Legal Provisions
FOR THE
POOR:
OR, A
TREATISE
OF THE
Common and Statute LAWS concerning the *POOR*, either as to *Relief*, *Settlement*, or *Punishment*.

BEING A

Methodical Guide for Justices of Peace, Church-wardens, and Overseers.

Wherein are explain'd,

All the Statutes relating to that Subject; with the Ancient and Modern Law-Cases and Resolutions of the Judges: And also many Precedents proper for such a Treatise.

By *S. C.* of the *Inner-Temple*, Esq;

In the *SAVOY:*

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THE PREFACE.

DAILY and Uninterrupted Experience ſince the Times of our Bleſſed Saviour hath ſufficiently confirmed the Truth of his Prediction, *The Poor you will have with you always*; and from thoſe Primitive Times in all Ages of Chriſtianity, Charitable Proviſions and Supplies have been made for them. In the Firſt Age Voluntary Contributions were rais'd in an Extraordinary Manner; the Poor were (as it were) Tenants in Common with the Rich in their Poſſeſſions, and their (*Agapæ*) Love-Feaſts were but the Reſults of this Divine Diſpoſition. But theſe High Flights of Charity ſoon flagg'd, their Zeal languiſh'd and dwindled by degrees,

and that Brotherly-kindneſs, which then was the diſtinguiſhing Character of a Chriſtian (*Ecce quam ſe diligunt Chriſtiani*) ſoon degenerated into Sourneſs and Self-intereſt, inſomuch that the Chriſtian Emperors, upon Neceſſary Maxims of State, were forc'd to enact Laws, and eſtabliſh Edicts, whereby the Rich, and Men of Ability might be oblig'd to do that by Compulſion which they were not willing to do out of Choice: And ſuch Politick Conſtitutions were certainly founded upon good Conſideration. Within the reſpective Precincts and Diviſions, there we certain Stated Allowances aſſign'd for them which avoided Confuſion, and every Perſon being proportionably rated according to his Ability, render'd the Conduct of this Important Affair more eaſie and impartial.

The Reaſon of the Numeroſity of the Poor in our Age above what was formerly has by many been differently aſſign'd. I have oft thought of the

the Opinion of *Wadham Windham*, by him deliver'd at the *King's-Bench*: "We hear (ſaith he) little of any ſet-"tled Law for Relief of the Poor be-"fore Q. *Elizabeth*'s Time, for they "encreas'd much upon the Diſſolution "of Abbies. It is not to be doubted but thoſe Religious Houſes (which were many, and richly endow'd) might and did adminiſter great Sup-plies to the Poor Neighbourhood, and the Hoſpitalities of Lords and Country Gentlemen, (being in thoſe Times very faſhionable,) were con-ſiderable Aſſiſtances to their Depen-dants. But in the Time of that Wiſe Princeſs, when Trade flouriſh'd, Commerce improv'd, and *England* became denizen'd with *Perſia*, *China*, and *Peru*; then the Foreign Commo-dities and Luxuries were imported together, and Plenty produced ſuch an Habitual Idleneſs, that the State-ſmen of thoſe Days ſaw it neceſſary to advance Ways and Methods to force the Slothful Poor to Work, and the Rich to Contribute: And yet their

Deſigns have not anſwer'd. We have Swarms of Poor ſtill, and Young Luſty Beggars, (thoſe *Spectacula opprobri* in a well-regulated State) make up a Conſiderable Part of our People.

I have been much delighted with a little Piece of Chief Juſtice *Hales*, concerning Setting the Poor to work. His Methods are naturally productive of the Deſign, and the Conſequences are of great Importance. It's true, ſome ſofter Names than thoſe of *Bridewel*, Houſes of *Correction*, and *Work-houſes*, and good Management, would invite the Young Ones into a Working Society with Credit and Delight, and their Continuance there for a ſtated Time ſhould be equivalent to an Apprentiſhip. And then Induſtry and Emulation in Trade would be faſhionable, and the Criminals might receive Chaſtiſement in Separate Places. It muſt be confeſſed we have now Excellent Laws relating to the Poor, were they duly

ly executed, and the Execution thereof well encouraged and rewarded; and many have wrote upon them. I have peruſed *Lambert* (who is in many of theſe Points antiquated,) *Dalton*, *Keble*, beſides other little *Guides* and *Manuals*; but I find the Titles relating to the Poor confuſedly handled, they are guided more by an *Alphabet*, than the natural Method. The Caſes and Reſolutions upon the Laws are few, and thoſe that are cited are not well ſtated and digeſted, and the Reſolutions (for that Reaſon) ſeem to be ſometimes different and contrary: Nay, many times the Interlocutory Diſcourſes of the Judges, upon a ſingle Argument, they thruſt in as an Adjudged Caſe, as you may ſee in One Inſtance in this Treatiſe; I mean about the Clauſe in the Act of 43 *Eliz.* for compelling Pariſhioners to take Poor Children Apprentices.

I have endeavoured to caſt the Reſolutions and Judgments of Law under

under the proper Branches in every Act of Parliament, and each Branch under its proper Head; by which one may ſee (as it were) with one Glance how the Law is altered, explained, or ſupplied.

I hope a portable Treatiſe of this Nature may be acceptable, and the Peruſal hereof tend to the Information and Delight of many Gentlemen; who though they are not Lawyers by Profeſſion, yet are Perſons of good Education, and great Senſe and Uſefulneſs in their Country. Thoſe few Remarks of my own which I have made, are but Opinions, which I ſubmit to their Judgments; and the Miſtakes which I have committed to their Candour and Ingenuity.

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LAWS

LAWS
Concerning the
POOR.

CHAP. I.

Of the Poor in general. Of the ſeveral Sorts of Poor, and how Diſtinguiſhed and Ranked, in order to the clearer Methodizing of the enſuing Treatiſe.

BEfore I come to treat of the Laws concerning the Poor, I conceive it will be needful to diſtinguiſh of the ſeveral Sorts of Poor, and ſhew how they are reſpectively to be either provided for, or puniſhed, according

as the Circumſtances and Caſes ſhall require. The Scheme then is in this Manner.

There are Three Sorts or Degrees of Poor.

1. Poor by Impotency and Defect. Such as

The Aged and Decrepid.

The Infant Fatherleſs and Motherleſs, not able to work.

The Perſon naturally diſabled in Mind or Body, as Ideot, Lunatick, Blind, Lame, *&c.*

The Perſon viſited with grievous Sickneſs and Diſeaſes, and ſo for a Time becoming Impotent.

2. Poor by Caſualty. As

Soldiers, Labourers, *&c.* which are diſabled in Body.

The decayed Houſholder, which have had the Misfortunes of Fire, Water, Robbery, Suretyſhip, *&c.*

The Poor Man overcharged with Children.

3. Thriftleſs Poor. As

The Riotous and Prodigal.

The Diſſolute, as Strumpet, Pilferer, *&c.*

The

The Idle, Slothful Perſon.

All ſuch as wilfully ſpoil or imbezel their Work.

The Vagabond, and Vagrant, Sturdy Beggar.

Thus I find them Ranked by Mr. *Dalton*.

Now the only Statute that provides univerſally for the Poor, is the Statute of 43 *Eliz.* c. 2. Before this Statute, we hear little of any Law for the Relief of the Poor, for that they much encreaſed upon the Diſſolution of Abbies. To which, further Proviſion have been made by other Statutes, which may be referred to theſe Heads:

I. For Relief of ſuch as are not able to work, and get their Livelihood.

By Taxations towards Food, Raiment, Houſes and Habitations. And this,

By their own Pariſh.

By neighbouring Pariſhes or Hundreds, where the proper Pariſh is not able.

By Relations which are able.

By Legal Settlements, to make them capable of Relief proper for their Circumſtances.

II. For ſuch as are able.

1. Such as can work; and this is provided for by a Stock to be raiſed.

2. Such as are able, but want Skill; and this is provided for by ſetting out Apprentices.

3. Such as are able, and have Skill, but want liberty; as Priſoners.

III. The due Relief and Puniſhment of ſuch as are diſabled by their own Default, as Lewd Perſons; and under this Head the Caſes of Baſtard Children may be placed.

IV. The Puniſhment and Dealings about Vagrants and Rogues.

I ſhall not take the Statutes and tranſcribe them wholly as they are in Order, but tranſcribe each Branch under its Proper Head, and ſhew how and wherein the Law is explained, altered, or ſupplied; this will avoid Confuſion, and enable the Reader with Eaſe to apprehend every particular Subject.

Church

Church-wardens. If there be but one Church-warden in a Pariſh, he ſufficeth with the other Overſeers.

Overſeers. The Court was moved to quaſh an Indictment of Aſſault and Battery of an Overſeer *Ville de A.* in the Execution of his Office. 1ſt. Exception was, It ſhould have been Overſeer *Parochie*; there is no ſuch Officer as Overſeer *Ville*. 2. There is no ſuch Officer for Collector of the Poor appointed for any one Man by the Law; the Statute ſaith, There ſhall be Overſeers of the Poor in every Pariſh, and ſo the Office is joint, and not ſeveral: But both Exceptions were over-ruled by the Court. *Stiles's Rep.* 148. *Anonym.*

Children. Young Children, whoſe Parents are dead, are to be ſet at work, or relieved at the Charge of the Town where they were dwelling at the Time of the Death of their Parents, and are not to be ſent to the Place of their Birth; for if the Parents were Rogues, we muſt not make the Children Rogues. *Per Fleming Ch. Juſtice*, 11 *Jac.* 6. *Weſton* and *Cowlady.*

Now becauſe ſeveral Pariſhes which are large, and had many Vil-

Villages and Townſhips in ſeveral Bodies, where Pariſhes are large, to have Overſeers.

lages in the ſame, could not take the Benefit of this Act, it being inconvenient by Reaſon of the Multitude and Diſtance of Hamlets and Townſhips; therefore a Clauſe was added by the Statute 14 *Car.* 2. c. 12. to comprehend them within the 43 *Eliz.* whereby it was Enacted, That all Poor, Needy, Impotent, and Lame Perſons, within every Townſhip or Village of *Lancaſhire*, *Cheſhire*, *Darbyſhire*, *Yorkſhire*, *Northumberland*, and the Biſhoprick of *Durham*, *Cumberland*, and *Weſtmorland*, and other Counties in *England* and *Wales*, where by Reaſon of the Largeneſs of the Pariſhes they cannot reap the Benefit of the Statute of 43 *Eliz.* ſhall be maintained, kept, provided for, and ſet on work, in the reſpective Townſhip and Village wherein they inhabit, or were laſt lawfully ſetled. And that according to the Rules and Directions of 43 *Eliz.* yearly ſhall be choſen in every Townſhip and Village Two or more Overſeers, who ſhall do, perform, and execute, all ſuch Acts, Powers, and Authorities, for the neceſſary Relief of the Poor within their ſaid Townſhips, and forfeit the like

like Penalties for Nonperformance as are limited and appointed by the ſaid Statute 43 *Eliz. vid.* Explication of this Statute *infra*, where we ſhew what is a Pariſh in Law liable to be charged; and by the Statute 3 *Car.* 1. c. 4. in the Continuance of the Act 1 *Jac.* c. 25. *It is Enacted, that the Church-wardens and Overſeers of the Poor mentioned in the ſaid Act of* 43 Eliz. *may, by and with the Conſent of Two or more Juſtices of the Peace, whereof one to be of the* Quorum, *within their reſpective Limits, wherein ſhall be more Juſtices than one, and where no more ſhall be than one, with the Conſent of that one, ſet up, uſe and occupy, any Trade, Myſtery or Occupation, only for the ſetting on Work, and better Relief, of the Poor of the Pariſh, Town or Place, of or within which they ſhall be Church-wardens, or Overſeers of the Poor, any former Statute to the contrary notwithſtanding.*

Church-wardens and Overſeers may ſet up any Trade for ſetting the Poor at work.

CHAP. II.

Of Setting the Poor at Work. The Explication of the Statute 43 Eliz. c. 2. *Of Children being ſet to work. Of Taxations. Who, and what, and in what manner, to be Taxed to the Relief of the Poor, and to raiſe a Stock. Of ſetting up any Trade. Of the Overſeers Account, and their being reimburſed. Of Refuſers to pay, and the Penalties. What ſhall be ſaid to be a Pariſh liable to relieve their own Poor. And where the Pariſhes are large, containing ſeveral Villages, how to be Taxed.*

AT Common Law there was no Proviſion by Rates for the Poor.

Who ſhall be Overſeers. By this Statute the Church-wardens of every Pariſh, and Four, Three, or Two Houſholders there (according

(according to the greatneſs of the Pariſh) to be nominated yearly in *Eaſter* Week, or within One Month after, under the Hands and Seals of Two Juſtices of the Peace, (one to be of the *Quorum*,) ſhall be called *Overſeers of the Poor* for the ſame Pariſh.

Juſtices Forfeiture for not appointing Overſeers.

Note, If it happen Overſeers be not appointed according to this Statute of 43 *Eliz.* c. 2. then every Juſtice of Peace, or Head Officer of that Diviſion or Corporation, ſhall forfeit 5 *l.* to be levied by a Seſſions Warrant, and imployed to the Uſe of the Pariſhes where ſuch Default is made. By the firſt Branch of this Statute, *The Overſeers, or the greateſt Part of them, ſhall take Order from Time to Time, by and with the Conſent of Two or more Juſtices of the Peace in the ſame County, whereof one to be of the* Quorum, *for ſetting to work the Children of all ſuch whoſe Parents ſhall not by the Church-wardens and Overſeers, or the greateſt Part of them, be thought able to keep and maintain their Children; and alſo for ſetting to work all ſuch Perſons, married or unmarried, having no Means to maintain them,*

Children to be ſet at Work by the Church-wardens and Overſeers.

Who and what ſhall be Taxed to the Relief of the Poor, and to raiſe a Stock.

and uſe no ordinary and daily Trade of Life to get their Living by; and alſo to raiſe Weekly, or otherwiſe, by Taxation of every Inhabitant, Parſon, Vicar, and other; and of every Occupier of Lands, Houſes, Tythes Impropriate, Propriations of Tythes, Coal-Mines, or by Sale of Underwoods in the ſaid Pariſh, ſuch competent Sum and Sums of Money as they ſhall think fit, a convenient Stock of Flax, Hemp, Wooll, Thread, Iron, and other Ware, and Stuff, to ſet the Poor on Work. And alſo, competent Sums of Money for and towards the neceſſary Relief of the Lame, Impotent, Old, Blind, and ſuch other among them being Poor, and not able to work.

Obſerve, Any one Juſtice of the Peace may ſend to the Houſe of Correction or Common Gaol ſuch as ſhall not employ themſelves to work, being appointed thereto by the Church-wardens and Overſeers of the Poor of the Pariſh, 43 *Eliz.* c. 2. *Dalt.* p. 148. *Edit.* 1690. But of this *plus infra.*

If any Perſons aſſeſſed die before the ſame be Collected without Default of the Overſeers, a new Rate

or

or Aſſeſſment is to be made to ſupply the ſame. *Dalt.* 154.

Now for raiſing a Stock to ſet the Poor at Work, it is by the ſaid Statute, 43 *Eliz.* c. 2. Enacted, *That the Church-wardens and Overſeers ſo to be nominated, or ſuch of them as ſhall not be let by Sickneſs, or other juſt Excuſe, to be allowed by* Two *ſuch Juſtices of the Peace or more, as aforeſaid, ſhall meet together at the leaſt once every Month in the Church of the ſaid Pariſh, upon the* Sunday *in the Afternoon after Divine Service, there to conſider of ſome good Courſe to be taken, and of ſome meet Order to be ſet down in the Premiſes, and ſhall within* Four Days *after the End of their Year, and after other Overſeers are nominated, as aforeſaid, make and yield up to* Two *ſuch Juſtices of Peace, as is aforeſaid, a true and perfect Account of all Sums of Money by them received, or rated and ſeſſed and not received; and alſo of ſuch Stock as ſhall be in their Hands, or in the Hands of any of the Poor to work, and of all other Things concerning their Office; and ſuch Sum or Sums of Money as ſhall be in their Hands, ſhall pay and deli-* *For raiſing a Stock.*

ver

ver over to the ſaid Church-wardens, and Overſeers, newly nominated and appointed, upon Pain that every one of them abſenting themſelves without Lawful Cauſe, as aforeſaid, from ſuch Monthly Meeting for the Purpoſe aforeſaid, or being negligent in their Office, or in the Execution of the Orders aforeſaid, being made by and with the Aſſent of the ſaid Juſtices of Peace, or any Two of them beforementioned, to forfeit for every ſuch Default of Abſence or Negligence 20 s.

This Conſiſts of Three Parts.

1. The Church-wardens and Overſeers are to meet Monthly, to conſider of ſome good Courſe to be taken, and order to be ſet down in the Premiſes; that is, the raiſing a Convenient Working-Stock, by a Taxation upon the Inhabitants of the Pariſh, and Occupiers of Lands, Houſes, *&c.*

2. To render an Account to Two Juſtices of the Peace of ſuch Sums of Money received, or taxed and not received, and of the Stock, and what Sums are in their Hands to deliver over to the new Overſeers.

3. The

3. The Forfeiture of their Abſenting or Negligence in the Premiſes 20 s.

If any ſuch Stock ſhall be in the Hands of any the Poor to work, and ſuch Poor ſhall refuſe to deliver the ſame, any Two ſuch Juſtices may make their Warrant to Levy the ſame by Diſtreſs, and in Default thereof commit ſuch Offenders to the Gaol without Bail. *Dalt.* 154.

A true and perfect Account. It muſt be obſerved, that by the Statute, 18 *Car.* 2. c. 4. the Overſeers are to give an Account of the Burials according to the Woollen Act, upon Pain to Forfeit 5 *l.* and their Accounts ſhall not be allowed till they have accounted for the ſame. *Overſeers Accounts.*

The Account of the Overſeers lies in theſe Particulars:

1. Of all Sums of Money by them received, or rated and not received.

2. Of all ſuch Stock of Ware or Stuff as they, or any of the Poor, have in their Hands.

2. What

3. What Apprentices they have put Out, and Bound, according to the Statute.

4. What Poor they have ſet at Work, or Relieved.

5. Whether they have ſuffered any of their Poor to wander and beg out of the Town, or in the High-ways, or in their Town, without their Direction.

6. Whether they have Monthly met to conſider of theſe Things.

7. Whether they have Aſſeſſed the Inhabitants and Occupiers of Lands, *&c.* in their Pariſh, *i. e.* all ſuch as are of Ability, and with Indifferency.

8. Of all the Burials.

Overſeers refuſing to yield an Account.

If any of the Church-wardens or Overſeers ſhall refuſe to yield a true Account to the Juſtices of all ſuch Sums of Money, and of all ſuch Stock, any Two ſuch Juſtices ſhall commit them to the Common Gaol, there to remain without Bail till they have made a New Account, and paid to the New Overſeers ſo much of ſuch Money or Stock as ſhall be remaining in their Hands; and if they make a falſe Account, they may be bound over to the Aſſi-

zes

zes or Seſſions, and there an Indictment may be preferred againſt them. And if they ſhall refuſe to pay and deliver ſuch Arrears as ſhall be in their Hands due upon the Account, any Two ſuch Juſtices of the Peace may make their Warrant to the preſent or ſubſequent Church-wardens and Overſeers, or any of them, to Levy the ſame by Diſtreſs or Sale of the Offenders Goods, rendring back the Overplus, and in defect of ſuch Diſtreſs they may commit them to the Common Gaol without Bail till Payment or Delivery, *Dalton* 154.

Now as to Taxations, either for a Stock to ſet the Poor at Work, or competent Sums of Money towards the neceſſary Relief of the Lame, Impotent, Old, Blind, *&c.* for the putting forth of Children; let us conſider, *Taxations.*

I. What Things are taxable.

II. In what Manner, or how Mens Eſtates are to be Taxed.

III. What ſhall be ſaid to be a Pariſh chargeable to the Poor.

I. What Perſons and Things are taxable.

1. *Every*

Parſons Tythes. 1. *Every Inhabitant, Parſon, Vicar, and other.* Now in the Judges Reſolutions it was a *Quere* what Proportion ſhould Parſonages or Tythes bear to the Taxation of the Poor of the Pariſh: And it was Reſolved, *Reſol.* 33. the Parſon or Vicar Preſentative ſhall bear according to the reaſonable Value of his Parſonage, having Conſideration to the juſt Deduction. And concerning Parſonages Impropriate, the Tythes are to be conſidered in their ſeveral Kinds; for Tythe-Corn is uſually paid to the Parſon, and Small Tythes of all kind to the Vicar. By *Tenths* of Parſonages, or Tythes Impropriate, it is only meant that they ſhould pay for the Tenths of the Profits they receive.

Tolls for Markets. 2. *Every Occupier of Lands, Houſes, Mines, or ſaleable Underwood,* (proportioning them to an Annual Benefit, *&c.*) ſhall be Taxed. It was a Queſtion 27 *Car.* 2. in the Town of *Wickham*, Whether Tolls of Markets ſhould be taxable? It is Reported in *Keble*'s Third Reports, the Caſe was this, The Town of *Wickham* in *Bucks* had much Poor, and

and therein was a conſiderable Market, the Toll whereof belonging to the Corporation there was worth 60 *l. per Annum*, which the Overſeers had taxed, and the Mayor and Juſtices refuſed to ſign and allow it, pretending it was not taxable; the Overſeers and Juſtices attended the Lord Chief Juſtice *Hales* for his Opinion, who ſaid, he conceived it taxable within the 43 *Eliz.* yet the Juſtices would not allow the Tax, of which Complaint being made to the *King's-Bench*, a Rule was made for the Mayor, *&c.* to attend, and they did attend accordingly; and they obſerving the Court to be angry, allowed the Tax; and, *per Hales*, for ſuch a Refuſal a *Quo Warranto* will lie, and the Court ordered the Mayor to pay the Charges of their Proſecution. This being, tho' not named, yet conceived, within the Equity of the ſaid Statute, which ſhall be beneficially Conſtrued.

This Statute to be Conſtrued beneficially.

Queſt. Whether Shops, Salt-pits, Sheds, Profits of a Market, *&c.* be taxable to the Poor, as well as Lands, Coal-mines?

Reſolv.

Reſolv. 19. All Things which are real, and a yearly Revenue, muſt be taxed to the Poor.

Perſons bringing others that are Burdenſome.

If a Pariſhioner bring into the Pariſh (without Conſent of the Pariſh) one that becomes Burdenſome to the Pariſh, he may be taxed, not only having Reſpect to his Ability, or the Land he Occupies, but according to the Dammage and Danger he brings to the Pariſh. *Reſ. l.* 35.

Caſes of Reimburſement of the Overſeers.

If an Overſeer lays out Money, he may be reimburſed by general Order of Seſſions, *Peckham's Caſe* at *Maidſtone Aſſizes*, and, *per Hales*, it is good within the Statute.

If an Overſeer be obſtinate, and will not diſburſe any Thing, this is *Caſus Omiſſus*; yet the Juſtices may compel them; and make a Tax for the Poor of themſelves in the ſame or another Year. *Per Windham.*

An Order is made to the Overſeers to reimburſe themſelves; but becauſe it was not directed to the Church-wardens and Overſeers, it was quaſh'd.

If an Overſeer diſburſe without the Conſent of his Partners, and no Care is taken Monthly to take Account, an

an Order to reimburſe him is Null. By *Foſter*.

The Church-wardens and Overſeers ought to provide in preſent Exigency, and ſhall be reimburſed by a Rate.

The Order to reimburſe, was grounded only on Account ſtated by the Oath of the Party, and never allowed by the Two next Juſtices; whereupon the Majority of the Juſtices in *Hicks*'s-*Hall* refuſed to grant any new Order, 1 *Keb.* 236. 243. Clerke *againſt the Church-wardens of* Cripplegate.

It was agreed in *Taverner* and *Quaterman*'s Caſe, that the Church-wardens ought in preſent Exigencies to provide for the Poor, and they ſhall be reimburſed; and by ſome, it's better to provide for them in *Specie*, than to give them Money Weekly; but that is Diſcretionary, 1 *Keb.* 440. *vide Stiles* 246. *Pl.* 562. Order was made to the Judges by the Inhabitants of *B.* to reimburſe the Overſeers of the Poor for Moneys expended in Suit againſt ſome that refuſed to pay their Rates, and the Court was moved to grant an Attachment againſt them, which at laſt they did,

2 *Keb.*

2 *Keb.* 461. The *King againſt* Ogden, Monck, *and* Lucas; and the Court conceived that Coſts may be allowed upon the *Certiorari*, 2 *Keb.* 501.

II. In what Manner, or how Mens Eſtates are to be taxed. Men muſt be equally rated with their Neighbours, and according to an equal Proportion.

The Inhabitants of *Limehouſe* and Overſeers, *&c.* were Convicted for not making an equal Rate for the Poor, and their Fine was ſet, it was moved that they might be Bailed on Error, the Court would not ſuperſede the Execution, 2 *Keb.* 173.

Men muſt be rated according to their Eſtates of Goods known, or according to the known yearly Value of their Lands, Farms, and Occupyings.

The Tenant to be Taxed, and not the Landlord.

Lands are to be charged on the Tenant in reſpect of his Occupation thereof; therefore if a Man live in the Pariſh where his Lands lie, and doth Demiſe thoſe Lands to others, the Poors Tax ſhall be charged on the Tenant, and not on the Landlord.

A Man having Lands in other Pa- *To be Taxed in his own Pariſh.*
riſhes than where he lives, the ſame being in Leaſe, or not in Leaſe, he is to be taxed in the Pariſh where he lives, according to his viſible Eſtate there, and not for his Lands or Rents in another Pariſh. Both theſe laſt Points were reſolved by *Hutton* and *Croke* at *Lent Aſſizes* at *Lincoln, and ſo agreed by all the Judges of* England, *Dalt.* p. 149.

But, *vide infra*, the Caſe of the Pariſhioners of St. *Ellens* in *Worceſter*, where the Inhabitants of one Pariſh may be charged for their Tenements (in which are Poor Tenants) in the adjoining Pariſh.

The moſt reaſonable rating of Land *By the Yearly Value, and not the Quantity.*
is by the yearly Value and Quality thereof, and not by the Quantity or Content; and the natural Value not as it is improved or impaired. He that occupieth (in his own Hands) Lands lying in ſeveral Pariſhes, ſhall *A Man hath Lands in his own Hands in ſeveral Pariſhes.*
be charged in every Pariſh proportionably for his Land there. *Co.* 5. 67.

The Landlord ſhall not be rated or taxed for his Farm Rents, in as much as the Farmer or Occupier of the Land is chargeable for the ſame Land.

Land. So where my Farmer is Aſſeſſed by his Goods, I ought not to be Aſſeſſed for my Rent of the ſame Farm.

The Leſſor not to be taxed for the Rent he receiveth.

It was reſolved by the Judges of *Aſſize at Lincoln*, that the Lands in the Pariſh, and not the Rent, neither of that Land, nor of other Lands, could be taxed. 1633, Sir *Anthony Ireby*'s Caſe. The Leſſor ſhall not be taxed for the Rent he receiveth.

Not by Land and Goods.

One may be Taxed by his Goods as well as his Lands, but not by both.

Goods and Lands to be rated equally at 6 l. per Cent.

Where a Man is rated by his Goods, it ſeemeth reaſonable that ſuch Goods be rated after the Value of Lands to be purchaſed, (*viz.*) One Hundred Pounds in Stock or Goods to be rated after Five or Six Pounds *per Cent.* in Lands, and ſo proportionably. *Dalt.* 232.

Parſons Rated to the Poor.

Note, Parſons muſt contribute to the Poor. So it was agreed by all the Judges of *England* at *Serjeants Inn* in the Parſon of *Pancras*'s Caſe; and they are Contributary alſo to many other Charges, notwithſtanding *Magna Charta*, *Eccleſia ſit libera*. As for Highways, *&c. per Hales Ch. Juſtice.* 3 Keb. 255.

If

If the Mayor of a Corporation will not ſign a Tax, made on the Palace of the Biſhop, where the Prebends live, the Court will grant a *Mandate*. 3 *Keb.* 472. *Mayor of Chicheſter*'s Caſe. And tho' the Juſtices may for reaſonable Cauſe correct a Tax, yet they cannot refuſe to ſign it without reaſonable Cauſe; tho' the Statute, 43 *Eliz.* c. 2. ſaith, They ſhall tax, the Uſage having been for Pariſhes to tax. *Ibid.* p. 594.

Of the Juſtices ſigning the Tax.

For Goods, a Man ſhall be charged only in that Town where the Goods be at the Time of the Aſſeſſment. *Dalt.* 232.

Where to be charged for Goods.

It was made a *Quere* in the Judges Reſolutions, Whether the Tax for the Relief of the Poor upon the Statute 43 *Eliz.* ſhall be made by Ability or Occupation of Lands, or both; and whether the viſible Ability in the Pariſh where he lives, or general Ability whereſoever? *Reſolv.* 18. The Land in each Pariſh is to be taxed equally and indifferently; but there may be an Addition for the Perſonal viſible Ability of the Pariſhioners within that Pariſh according to good Diſcretion; and yet if miſtaken may be rectified by the Seſſions; but

Perſonal, viſible Ability.

in

in Sir *Anthony Ireby*'s *Case*, 2 Bulſt. *p.* 354. it is declared there for Law, That the Aſſeſſments for Relief of the Poor ought to be made according to the viſible Eſtate, real and perſonal, of the Inhabitants, which they have and enjoy in the Town or Place where they inhabit, not having any Regard to any other Eſtate which they had in any other Town or Place.

Mem. There is a Statute, 1 *Jac.* c. 31. for Proviſion made for thoſe who are infected with the Plague by Rates and Taxations; *quod vide.*

II. Branch. A Proviſion where the Inhabitants of any Pariſh are not able to relieve their Poor.

And be it alſo Enacted, That if the ſaid Juſtices of Peace do perceive, that the Inhabitants of any Pariſh are not able to Levy among ſt themſelves ſufficient Sums of Money for the Purpoſes aforeſaid that then the Two Juſtices ſhall and may Tax, Rate and Aſſeſs as aforeſaid any other of other Pariſhes, or out of any Pariſh within the Hundred where the ſaid Pariſh is, to pay ſuch Sum and Sums of Money to the Church-wardens and Overſeers of the ſaid Poor-pariſh, for the ſaid Purpoſes as the ſaid Juſtices ſhall think fit

accord

according to the Intent of this Law. And if the ſaid Hundred ſhall not be thought by the ſaid Juſtices able and fit to relieve the ſaid ſeveral Pariſhes not able to provide for themſelves as aforeſaid, then the Juſtices of Peace at their General Quarter Seſſions, or the greater number of them, ſhall Rate and Aſſeſs as aforeſaid any other of other Pariſhes, or out of any Pariſh within the ſaid County for the Purpoſes aforeſaid, as in their Diſcretions ſhall ſeem fit.

Poor Children may have Maſters provided for them in other Pariſhes.

If the Pariſh be not able to provide for the Poor Children of the ſame Pariſh, the Juſtices may provide Maſters for them in other Pariſhes within the ſame Hundred; and if the Hundred be not able, then in the reſt of the Country, as for other Proviſion for the Poor, which muſt be at a Quarter Seſſions. *Reſolv.* 5.

Relief to be raiſed or leſſened as the Caſe ſhall require.

Where one Pariſh is not of Ability to relieve the Poor of their own Pariſh, then the next Pariſh being of Ability, are to be Contributary to aid them therein, by a Weekly Allowance made for their Relief; and where the firſt Cauſe doth ceaſe of

having ſuch Relief, as if their Poor do decreaſe, and their Pariſh grown to be of Ability, the Contribution there ſhall ceaſe, or this ſhall be leſſened accordingly, as the Cauſe ſhall require; as if their Poor decreaſe, or the Poor and Charge of the other Pariſh adjoining doth increaſe. The Caſe was, the Poor of the Pariſh of St. *Peter*'s in *Worceſter* encreaſed by Reaſon that divers Inhabitants of the Pariſh of St. *Ellens* had divers Tenements in St. *Peter*'s, and they received great Rents, and the Tenants were very poor, and ſo became a Charge to the Pariſh; and St. *Ellen*'s Pariſh raiſeth their Rents out of the Relief their Poor Tenants have out of St. *Peter*'s; the Mayor makes an Order for St. *Ellen*'s Pariſh to pay 2 *s. per* Week to St. *Peter*'s, and this to be raiſed by the Church-wardens of the Pariſh of St. *Ellen*'s, and then the ſame to be by them paid over to the Church-wardens of the Pariſh of St. *Peter*'s, and the Landlords of St. *Ellen*'s, who had Tenements in St. *Peter*'s principally to be taxed. The next Mayor, the Poor decreaſing in St. *Peter*'s, took off 1 *s. per* Week from St. *Ellen*'s: This laſt

laſt Order was confirmed by the Judge of *Aſſize*. And *per Jones*, The Inhabitants of St. *Ellen*'s ſhall pay for their Tenements in St. *Peter*'s; and if there be no Diſtreſs to be found becauſe their Tenants are poor, upon their Refuſal to pay their Rate, the Judges of *Aſſize* (upon Complaint) ſhall make a Special Order to the Mayor to levy the Proportion. 2 *Bulſt.* 353. *The Pariſhioners of St.* Peter's *Plaintiffs, Pariſhioners of St.* Ellen's *Defendants, in* Worceſter.

And that it ſhall be lawful as well for the preſent as ſubſequent Church-wardens and Overſeers of the Poor, or any of them, by Warrant from any Two ſuch Juſtices of Peace as is aforeſaid, to levy as well the ſaid Sums of Money, and all Arrears of every one that ſhall refuſe to contribute according as they ſhall be Aſſeſſed, by Diſtreſs and Sale of the Offenders Goods, as the Sums of Money or Stock which ſhall be behind on any Account to be made as aforeſaid, rendring to the Parties the Overplus: And in default of ſuch Diſtreſs, it ſhall be lawful for any Two ſuch Juſtices of Peace to commit him or them to the Common

A Remedy for Levying the Money aſſeſſed

Impriſonment in default of Diſtreſs.

Gaol of the County, there to remain without Bail or Mainprize, until Payment of the ſaid Sum, Arrearages and Stock. And the ſaid Juſtices of Peace, or any of them, to ſend to the Houſe of Correction or Common Gaol ſuch as ſhall not imploy themſelves to work, being appointed thereunto as aforeſaid. And alſo any Two ſuch Juſtices of Peace to commit to the ſaid Priſon every one of the ſaid Church-wardens and Overſeers which ſhall refuſe to Account, there to remain without Bail or Mainprize until he have made a true Account, and ſatisfied and paid ſo much as upon the ſaid Account ſhall be remaining in his Hands.

Impriſonment of thoſe that work not.

Impriſonment of ſuch as refuſe to Account.

As to this Branch, the Seſſions cannot meddle originally, but the next Juſtices.

The Court refuſed to confirm an Order of Seſſions, made to Charge another Pariſh to contribute to the Poor of *Hinckly*, becauſe the Two next Juſtices, who by the Statute are made Judges within the Hundred, (as in Caſe of Baſtards, by 18 *Eliz.*) did not certifie, and till their Default the Seſſions cannot meddle originally, becauſe the Appeal is taken away, and therefore the next Juſtices ought to certifie there is no Pa-

riſh

riſh ſufficient in the Hundred. So whereever any Statute appoints the Two next Juſtices, none can go to the Seſſions originally; *contrà*, where it appoints any Two Juſtices, the Seſſions may originally determine it, and *per Cur.* the Order was quaſht. 1 *Keb.* 685.

Forfeitures how to be Levied.

The Refuſers to pay their Rates or Moneys aſſeſſed upon them, and Overſeers having Money or Stock behind upon their Account, their Forfeitures ſhall be levied by the New Overſeers and Church-wardens, or one of them, by Warrant from Two Juſtices of the Peace, *&c.* But for other Negligences or Forfeitures of the Overſeers and Church-wardens, the Juſtices ſhall make their Warrant to the Conſtable to levy the ſame. *Dalt.* 155.

Appeal.

If any Perſons find themſelves grieved with any Tax, or other Act done by the Overſeers, or by the ſaid Juſtices of Peace, they are to be relieved at the Quarter Seſſions.

Overſeers of the Poor were indicted before the Juſtices of the Borough of *Reading*, for not gathering ſeveral Sums of Money taxed on ſeveral Inhabitants, and not aſcertain-

ing them: Council excepted to it; but the Court ordered the Parties to plead, having Notice of the Perſons tax'd. 3 *Keb.* 49. The King againſt *Brown.*

III. *What ſhall be ſaid to be a Pariſh chargeable to the Poor, and of every Occupier of Lands, Houſes,* &c. *in the ſaid Pariſh,* &c.

Now what ſhall be ſaid to be a Pariſh chargeable to the Poor; and to illuſtrate this, I ſhall cite a Caſe adjudged in *Litt. Rep.* 73. *Hill.* 2 *Car.* 1. *in Com. B. Hilton* and *Paul.* Which was upon a ſpecial Verdict, and was thus: That the Pariſh of *Hinckly* was an Ancient Rectory and Pariſh Church, Time out of Memory, *&c.* and that *Stoke-golding* (where the Saddle was taken, it being an Action of Treſpaſs for taking a Saddle) is an Ancient Village and Parcel of the Rectory of *Hinckly*; and that in the Time of *Hen.* 6. and all Times after, there was a Church in *Stoke-golding*; and that then, and at all Times after, it was and is reported and taken for a Pariſh Church; and that the Inhabitants have Parochial Rights there, and Church-wardens

dens of their own; and that *Stoke-golding* is distant from *Hinckly* Two Miles; and if the Village of *Stoke-golding* be a Parish within the *Stat.* 43 *Eliz.* chargeable for their own Poor only? was the Question. This Case was spoke to by all the Judges, and it was resolved by them, That *Stoke-golding* was a Parish within the Intention of the Statute. For by *Richardson*, here are Two distinct Churches, and such which have Church-wardens, and all Parochial Rights. And this is a Parish within this Law; for the Statute saith, the *Church wardens of every Parish.* This is such a Parish as hath Church-wardens, who have Charge of the Poor. It's a Parish, tho' within the Rectory of *Hinckly* and so to pay Tythes to it only. *Per Hutton:* It hath been objected, That there is a Provision for the Isle of *Fowlness*, being only a Chappel of Ease and no Parish, that the Inhabitants should act by Vertue of the Statute as if they were a Parish; and if it had been included in the Body of the Act, there had been no necessity of Exception; but, *per Hutton*, this Provision in the end of the Statute, proves only that the Sta-

tute extends only to reputed Pariſhes, and not to Chapels of Eaſe. *Per Crooke:* If this ſhould not be a Pariſh, there would be no Remedy for the Poor; and the Church-wardens of *Hinckly* were never Church-wardens of *Stoke-golding*, but of *Hinckly* only. A like Caſe was adjudged in the King's-Bench, *Hill.* 10 *Car.* 1. between *Nichols* Plaintiff, and *Walker* and *Carter*, Defendants, *Jones Rep.* 355. *Hatfield* was a Pariſh, and *Totteridge* a Village within the Pariſh of *Hatfield*, and paid their Tythes to the Parſon of *Hatfield*; but that *Totteridge* for the ſpace of Sixty Years and upwards, and at the time of the making the Statute 43 *Eliz.* was a reputed Pariſh, and had a Conſtable and Overſeers of the Poor, and that they provided for the Poor of *Totteridge*, and never contributed to the Poor of *Hatfield*. The Church-wardens and Overſeers of the Poor of *Hatfield* make a Taxation for the Poor, and Tax *Nichols* Plaintiff, who had Land, and was an Inhabitant in *Totteridge*, which was affirmed by Two Juſtices according to the Statute. *Nichols* refuſeth to pay it, whereupon they diſtrain him by War-

rant

rant of the Juſtices of Peace, upon which *Nicholls* brought Action of Treſpaſs againſt the Defendants Church-warden and Overſeer of *Hatfield.* Adjudged by the Court, that the Action lies, for a Precinct of a Pariſh is within the Statute 43 *Eliz.* and is to be aſſeſs'd by itſelf, and not with the Mother church; and if it ſhould be otherwiſe, great Confuſion ſhould enſue.

Of Hamlets being taxed intirely or diſtinctly.

Anno 1603. Two Hamlets were taxed together with the Pariſh; but ſince 1652 they have and do tax themſelves diſtinctly, and the Court ordered the Juſtices to ſign the Tax as anciently; and, *per Windham*, albeit there were a Soke of particular Juriſdiction from the Town, yet the Juſtices of Aſſize may ſettle the Tax, which the Court agreed. 2 *Keb.* 421. *The King againſt the Inhabitants of* Peterborough.

Note, by *Keeling*, whereas the Statute 14 *Car.* 2. c. 12. that in great Pariſhes there ſhould be diſtinct Overſeers, this Clauſe was inſerted for *Cumberland*, and others named, he being in the Houſe of Commons at the making the ſaid Act, which the Court agreed; but upon Appeal for

Inequa-

Inequality, the Hamlets are not exempted. 2 *Keb.* 469. *The King againſt* Quarles *and* Thurſby. And *vide* 2 *Levins* 142. *viz.* That this Statute extends not to other Counties not named.

There was a Caſe, 18 *Car.* 2. *B. R.* between the Inhabitants of *Shadwell* againſt *Ratcliff* and *Wapping*. Theſe are ſeveral Hamlets of one Pariſh; and in 1631 they were ſevered in their Rates to the Poor, but were lately by Order of Seſſions taxed as one entire Pariſh of the *Tower*, which was confirmed by *Ch. Juſtice* Hide *and* Windham. But theſe Three Streets are but one Hamlet anciently, and the other Five are diſtinct Hamlets, and they appear not in this Return; the Court confirmed the firſt Order, and quaſh'd the laſt.

Killingworth in *Com. Warr.* is a great Town of Two Villages, but only one Church, (and no Chapel of Eaſe,) and the Tenants of both paid diſtinctly and dividedly to the Poor; and on 14 *Car.* 2. c. 12. if the Plaintiff being Inhabitant in one End, ſhould pay to the Poor of the other? was the Queſtion on a ſpecial Verdict in Treſpaſs. *Per Hales*, there

there can be no Preſcription againſt 43 *Eliz.* c. 2. But if there hath been a Chapel of Eaſe and Church-wardens, and diſtinct Rates, this by Conſtruction is a Pariſh within 43 *Eliz.* but if no Pariſh in Truth or Reputation (as appears in the Verdict) it's a void Preſcription. The Statute 14 *Car.* 2. extends not to all great Pariſhes, for thereby Statute 43 *Eliz.* would be eluded, the Event of which would be to lay the Charge on the Boroughs where the Bulk of the Poor is, and the Out-villages where the Lands are would be diſcharged. Here is no Preſcription to maintain the Poor diſtinctly, and Preſcriptions are left as they were before 14 *Car.* 2. and 43 *Eliz.* and ſo the Caſe of *Wilſon* and *Bonner*. Three Villages were found in *Cambden* Ancient, and relieving the Poor diſtinctly, and adjudg'd for the Defendant in that Caſe, becauſe *Glocester* was not any of the Counties mentioned in the Statute 14 *Car.* 2. *Judgment for Defendant*, 3 *Keb.* 529. *Skellington* and *Worton*. *Vid.* This Branch of the Statute 14 *Car.* 2. *ſupra*, p. 2. concerning Townſhips in *Yorkſhire*, *Cumberland*, &c.

Where

Where a Pariſh contain'd Two Members, *H.* and *B.* and *B.* had a Chapel of Eaſe, and a Burying-place, and was a long Time reputed a Pariſh, (tho' only a Member of *H.*) and had uſed to chuſe Overſeers. Q. If ſuch Overſeers are within the Pariſh, ſo as they may by 43 *Eliz.* diſtrain for an Aſſeſſment, *B.* being only a Pariſh by Reputation?

Pariſhes in Reputation are within the Statute.

R. per Cur. Pariſhes only in Reputation are within the Statute, as other Pariſhes are, if the uſage of ſuch Pariſh to chuſe Overſeers had been conſtant, and without Interruption; and if not, then the Overſeers of the Mother-Church are within the Statute; 2 *Rolls, Rep.* 160. *inter Weeden* and *Walker.* Making of Rates will not make a Pariſh, without all other Parochial Rights. 4 *Mod.* 157.

A Pariſh extending into Two Counties, or Two Liberties.

By the ſaid Statute 43 *Eliz. If it ſhall happen any Pariſh to extend it-ſelf into more Counties than one, or Part to lye within the Liberties of any City, Town, or Place Corporate, and Part without; then as well the Juſtices of Peace of every County, as alſo the Head Officers of ſuch City, Town, or Place Corporate, ſhall deal and*

and intermeddle only in ſo much of the ſaid Pariſh as lieth within their Liberties and not any further. And every of them reſpectively within their ſeveral Limits, Wards, and Juriſdictions, to execute the Ordinances before-mentioned concerning the Nomination of Overſeers, the Conſent to binding Apprentices, the giving Warrant to levy Taxations unpaid, the taking Account of Church-wardens and Overſeers, and committing to Priſon ſuch as refuſe to Account, or deny to pay the Arrears due upon their Accounts. And yet nevertheleſs the Church-wardens and Overſeers, or the moſt part of them, of the ſaid Pariſhes that do extend into ſuch ſeveral Limits and Juriſdictions, ſhall, without dividing themſelves, duly execute their Office in all Places within the ſaid Pariſh in all Things to them belonging. And ſhall duly exhibit and make one Account before the ſaid Head Officer of the Town or Place Corporate, and one other before the ſaid Juſtices of Peace, or any Two of them, as is aforeſaid.

An Order was made by the Juſtices againſt the Pariſh of *Stretton*, who

who ordered them to keep *K.* a Widow, ſhe being poor. Now it was in the *King's Bench* excepted to, becauſe, as to the Cottage wherein ſhe lived, it was uncertain whether it was in that Village or another; but the Judges of the *King's-Bench* refuſed the Exception, becauſe in theſe Caſes the Courts uſe a Liberty and Diſcretion; as in Indictments for Highways, they never quaſh them without Certificate of Amendment. Alſo the Party hath Remedy by Replevin to try the Right, when a Diſtreſs ſhall be taken on any to contribute. 2 *Keb.* 37. *Kilbeck's Caſe.*

Affidavit. *Note*, That before the Court of *B. R.* will quaſh an Order of Seſſions, there muſt be an *Affidavit* of Notice given to the Parties concern'd, or elſe they will only quaſh *Niſi* on Notice.

Where each Diviſion of a Pariſh ſhall be look'd upon as a ſeveral Pariſh.

Where a Widow left ſeveral Children in the Pariſh of St. *B.* which lies in Two Counties, *viz. London* and

and *Middleſex*, and the Woman lived and died in that Pariſh which lay in *Middleſex*, (the Children being at Nurſe in *Middleſex*,) who conteſted with the other Part of the Pariſh in *London:* Upon Application to the General Gaol-Delivery at the *Old Bayly*, it was Reſolved, That without any particular Uſage to the contrary, the Pariſh in both Counties ought to contribute their Shares towards their Relief; but in regard it was made appear, that each Part of that Pariſh had diſtinct Officers, and made diſtinct Rates, and had uſed Time out of Mind to make diſtinct Accounts to the Juſtices of each County, the Court did look upon each Diviſion as a ſeveral Pariſh; and thereupon ordered, That that part of the ſaid Pariſh that lies in *Middleſex* ſhould pay the Nurſe, and provide for the future for the Children. Alſo it was Reſolved, That no Notice can here be taken of the Place of the Birth of the Children, but of their laſt Settlements, by 43 *Eliz.* c. 2. becauſe they are only Poor, and not Vagabonds; but that Vagabonds within the Statute 39 *Eliz.* c. 4. ſhall be provided for by

by the Place where they were born. *Fletcher's* Caſe, *Anno* 1682. *Vide Raym. Rep.* 476, 477.

CHAP. III.

Of ſuch who over-burthen the Town or Pariſh with Poor Perſons, how they may be Taxed. Remedy for them that are aggrieved with any Tax. Of other Proviſion for the Poor, by building Houſes on the Waſte, or providing them Houſes. And of Relief of Poor Priſoners in the County Gaol.

HAving Treated of the Rates and Taxations made and to be made in every Pariſh, towards the Relief of the Poor, and who are taxable, and what Eſtates, and in what manner, and what is to be done, if the Pariſh be ſo poor as not to be able to relieve their own Poor, and the Remedy to levy the Money upon Refuſers to pay their Rates; as alſo how Hamlets in large Pariſhes are to

be

be rated; let us now consider what is to be done with such, who overburthen the Town or Parish with Poor Persons.

In the Resolutions, Q. 35. If a Parishioner, Landlord or Owner within a Parish, do bring into the Parish (without the Consent of the Parish) a Stranger of another Parish, which is, or apparently is like to be, burthensome unto the Parish, how may they ease themselves?

How those that bring in the Poor are to be taxed.

Resolv. 35. They may tax such an one to the Charge of the Rates of the Poor, not only having respect to his Ability, or the Land he occupies, but according to the Dammage and Danger he bringeth to the Parish by his Folly. And such was Sir *Nicholas Hide*'s Opinion, That he that without the Consent of the Parish shall bring any Poor to any Town, which are burthensome to the Town, may be raised in his Rates towards the Relief of the Poor, by Consent of the Parish, (*viz.*) of the Churchwardens and Overseers.

Note, That Orders of this Nature in the Sessions Book of *Middlesex*, are very frequently made by the Justices of the Benches at *Westminster*, 23 *Mar.*

23 *Mar.* 13 *Car.* A poor Perſon was ſent back to the Houſe of Mr. *Nichols*, to remain there without paying any Rent. *Dalt.* p. 155.

A Remedy for them that find themſelves grieved with any Tax.

Provided always, That if any Perſon or Perſons ſhall find themſelves grieved with any Seſs or Tax, or other Act done by the ſaid Churchwardens and other Perſons, or by the ſaid Juſtices of Peace, that then it ſhall be lawful for the Juſtices of Peace, at their General Quarter-Seſſions, or the greater number of them, to take ſuch Order therein, as to them ſhall be thought convenient; and the ſame to conclude and bind all Parties.

Or other Act done.

This extends as well to binding Apprentices, and building Houſes on the Waſte for the Poor, as to Rates and Seſſments.

Note, Head-Officers of Cities and Corporate Towns (being Juſtices of Peace) have the ſame Authority within their Limits, as herein is limited to Juſtices of Peace of the ſame County, *&c.* and no other Juſtices of Peace are to intermeddle there.

Other Proviſion for the Poor in Sta-

Statute 43 *Eliz.* c. 2. is building them Houſes on the Waſte to inhabit.

III. Branch.

Of Building Houſes on the Waſte for the Poor.

Be it Enacted by the Authority aforeſaid, that it ſhall and may be lawful for the ſaid Church-wardens and Overſeers, or the greater Part of them, by the Leave of the Lord or Lords of the Mannor, whereof any Waſte or Common within their Pariſh is or ſhall be parcel, and with Agreement before with him or them made in Writing under the Hands and Seals of the ſaid Lord and Lords, or otherwiſe, according to any Order to be ſet down by the Juſtices of Peace of the ſaid County at their General Quarter-Seſſions, or the greater Part of them, by like Leave and Agreement of the ſaid Lord or Lords in Writing under his or their Hands and Seals, to erect, build, and ſet up, in fit and convenient Places of Habitation, in ſuch Waſte and Common, at the general Charges of the Pariſh, or otherwiſe of the Hundred or County as aforeſaid, to be taxed, rated, and gathered, in manner before expreſſed, convenient Houſes of Dwelling for the ſaid impotent Poor, and alſo to place Inmates or more Families than one, in one Cot-

Cottage or Houſe. One Act made in the xxxi Year of Her Majeſties Reign Entitled, An Act againſt the erecting and maintaining of Cottages, or any Thing therein contain'd to the contrary in any wiſe notwithſtanding. Which Cottages and Places for Inmates ſhall not at any Time after be uſed or employed to or for any other Habitation, but only for Impotent or Poor of the ſame Pariſh, that ſhall be there placed from Time to Time by the Church-wardens and Overſeers of the Poor of the ſame Pariſh, or the moſt Part of them, upon the Pains and Forfeitures contained in the ſaid former Act made in the ſaid xxxi Year of Her Majeſties Reign.

Of providing Houſes.

As to providing Houſes for the Poor, it's made a *Quere*, becauſe the Overſeers cannot do it by forcing any Pariſhioners Habitation, nor by Perſonal Charge by engaging for the Rent. *Moreton* Juſtice ſaid, in Chief *Baron Damport*'s Time it was held they muſt provide; which *Keeling* and *Twiſden* denied. 2 *Keb.* 744. *The King againſt* May.

Indictment was for erecting a Cottage and Habitations *contra Statut.* quaſh'd.

quaſh'd, becauſe it was not ſaid that any inhabited it, for elſe it was no Offence. *Mod. Rep.* 295. *The King againſt* Nevill.

An Order was made for *Grant, &c.* to provide an Houſe for the Poor, being Overſeers in *Warwick-ſhire*, and on *Habeas Corpus* they were brought in Cuſtody for diſobeying the Order: But they were diſcharged by the Court of *King's-Bench*, in regard it's not ſhewed that the Parties were Aged and Impotent, in which Caſes only the Juſtices may provide an Houſe. And *per Cur.* the Juſtices ought not to commit for Diſobedience of their Order, but cauſe the Party to be indicted for Negligence, and fined, and then committed. 2 *Keb.* 537, 538. *The King againſt* Grant, *&c.*

Juſtices not to commit for diſobeying their Order.

Order of Juſtices of Aſſize to annul an Order of Seſſions to provide for a Houſe for a Perſon not Impotent, was confirmed upon Motion, the firſt being a void Order; for if he be able, he muſt provide for himſelf, but the Juſtices cannot exclude him the Pariſh. 2 *Keb.* 643. *The King againſt* Paine.

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lawfully ſettled, may by the Conſe
of the Pariſh, or by the Church-wa
dens and Overſeers of the Poor, o
the greater Part of them, be place
Inmates. as Inmates, by the Statute 43 *Eli*
c. 2. *Reſolv.* 34.

Note, This Houſe muſt not be a
terwards converted into any oth
Uſe, for ſo it may become a Cottag
afterwards.

Note alſo, That, 1. This extends t
ſuch as be Poor and Impotent. 2.
extendeth not to any common Her
man or Shepherd, as hath been M
ſtaken. *Coke* 2 *Inſtit.* 737.

A Cottager was Indicted: Counc
moved to quaſh it, becauſe he ha
a Licenſe of the Lord, and a Conti
nuance by the Seſſions; but the Cour
refuſed, but ordered him to plead
and give this Matter in Evidence
and the Pleading ſtops all Proceeding
till Trial. 2 *Keb.* 503. *The Kin*
againſt Hutchins.

Pro

Provision for Relief of the Priſoners in the Common Gaol.

Provision for Priſoners in the Gaol by Tax.

Per *Statute* 14 Eliz. c. 5. *Juſtices of Peace in Seſſions, or the more Part of them, have Power to tax every Pariſh in the County (but not above* 6 d. *or* 8 d. *a Week out of every Pariſh) towards the Relief of Priſoners; which Tax the Churchwardens of every Pariſh ſhall levy every* Sunday, *and pay it in Quarterly to the High Conſtable, or in a Corporation to the Head Officer, and the High Conſtable or Head Officer ſhall pay the ſame at every Quarter Seſſions to ſuch Perſon as ſhall by the Juſtices in open Quarter Seſſions be appointed to receive the ſame, who ſhall diſtribute it Weekly to the ſaid Priſoners, upon Penalty of the Churchwardens, Conſtables, Head Officers, and Collectors, making Default reſpectively, to forfeit* 5 l. *one Moiety to the King's Uſe, the other to the Reliefe of the Priſoners; but the Juſtice of Peace ſhall not meddle in any City, Borough,* &c. *but the Mayors, or Officers of the ſame.*

Note, Performance or not Perfor-

mance of ſo much of the Statute of 14 *Eliz.* c. 5. for the Poor, as is not altered by 39 *Eliz.* c. 3. 43 *Eliz.* c. 2. 1 *Jac.* c. 25. is to be yearly examined at *Eaſter* Seſſions. *Lamb.* 620.

CHAP. IV.

Of putting out Apprentices; who may be compelled to take Apprentices or not; and how Money given for the putting them out ſhall be beſtowed.

Till what Age. THE Children of ſuch whoſe Parents ſhall not by the greater Part of the Overſeers be thought able to keep and maintain their Children, the Overſeers by Aſſent of Two Juſtices may put out to be Apprentices, (viz.) the Men Children till their Age of Twenty-four, and the Women Children till their Age of Twenty-one Years or Marriage; the ſame to be as Effectual to all Purpoſes, as if ſuch Child were of full Age, and by Indenture of Covenant bound him or her ſelf, Stat. 43 Eliz. To which, this Addition is made in the

Stat.

Stat. 1 Jac. 25. (*viz.*) *That all ſuch Perſons, to whom the Overſeers of the Poor ſhall according to the ſaid Act bind any Children Apprentices, may take, receive, and keep them as Apprentices, any former Statute to the contrary notwithſtanding*; and there is an Addition in Statute 1 *Car.* 1. c. 4. by which the ſame are made further to continue.

All ſuch Children of the Age of Seven Years or above, ſo bound Apprentices, ſhall be taken and kept as Apprentices by their Maſters, but ſuch binding muſt be by Indenture. The Form of ſuch Indenture *vide.* At what Age.

The putting of Poor Children out Apprentices, is holden to be one of the beſt Ways for providing for the Poor. *Reſol.* 1.

One Juſtice of the Peace may compel any Perſon meet, to be bound as an Apprentice. Per *one Juſtice of Peace.*

As the Statute enableth the Churchwardens and Overſeers (with the Conſent of Two Juſtices of the Peace) to put out Apprentices, ſo it doth enable them to place thoſe Apprentices with their Maſters. And the

Of compelling Perſons to take Apprentices.

ſaid Juſtices may compel all ſuch as be of Ability to take ſuch Apprentices (according to their Diſcretion); and if any ſuch Maſter ſhall refuſe to take ſuch Apprentice ſo to him appointed, the ſaid Juſtices may bind ſuch Maſters over to the next General Gaol Delivery, there to anſwer ſuch Default. And this was the Direction of Sir *Hen. Mountague*, Knight, Chief Juſtice of the King's-Bench, at *Cambridge Aſſizes*, Ann. Dom. 1618. wherewith agreed Sir *Nicholas Hide* and *Francis Harvy*. And if he refuſe to take ſuch Apprentices, or to give Bail to appear at the next General Gaol Delivery or Quarter Seſſions, he may be ſent to Gaol, there to remain till he ſhall give ſuch Bond. *Reſol.* 6. *Reſol.* 3.

Puniſhment of ſuch as refuſe.

Who may be compelled to take Apprentices.

Every Man who by his Calling and Profeſſion, or Manner of Living, entertaineth, and muſt have uſe of other Servants of like Quality, muſt entertain ſuch an Apprentice; yet Diſcretion muſt guide according to Circumſtances, *Reſol.* 3. As Knights, Gentlemen, Yeomen, *&c.* and Clergy-men; ſo was the Opinion of all the Judges, as the Publiſher of *Dalton* was informed, *Dalt.* p. 151. or at

at leaſt they are chargeable to the putting them out. 2. A Sojourner. Every wealthy Perſon tho' he live privately, and tho' he have no uſe for a Servant, may be taxed towards the putting forth Apprentices, or other Relief for the Poor. *Reſol.* 3, 4.

They may be put out to other Pariſhes; but in *Spearing*'s Caſe, 1 *Keb.* 474. a *Certiorari* was granted, to try whether by an Order of Juſtices and Overſeers, an Apprentice might be placed with a *Draper* in another Corporation: And p. 517. they may do it, but not unleſs he be a Farmer, and he did farm Lands in the ſame Pariſh.

A Sum of Money impoſed on ſuch as refuſe to take an Apprentice.

The Church-wardens and Overſeers (with the Conſent of the ſaid Juſtices as it ſeems) may impoſe upon ſuch Maſter refuſing to take ſuch Apprentice, a competent Sum of Money for the putting out ſuch Apprentice elſewhere; and upon the Maſters refuſal to pay ſuch Money, Two ſuch Juſtices may make their Warrant, to levy the ſame by Diſtreſs and Sale of the Offender's Goods, *&c. vid. Poulton* 2, 4. But it is not neceſſary that any Money

ſhould be given with Apprentices, for that muſt be left to the Diſcretion of the Church-wardens and Overſeers, all Circumſtances of Age and Ability being conſidered; and if they cannot agree with the Party, then the Juſtices of the Peace adjoining, or in their Default the Seſſions of Peace are to determine this. *Reſol.* 2.

Refuſers to take ſuch Apprentices. Or the Refuſers to take ſuch Apprentices, may be preſented and indicted for the ſame, upon the Statute 43 *Eliz.* at the Aſſizes or Seſſions of the Peace, and upon ſuch Indictment, they may be fined and impriſoned. *Reſol.* 7.

Maſter refuſing. If one refuſeth to take ſuch Apprentice, he ſhall be bound over to the Seſſions, and when he appeareth there ſhall likewiſe refuſe, what ſhall be done to him? And what ſhall be done to the Parents who refuſe to ſuffer their Children to be put out Apprentices, themſelves not being able to maintain them? *Reſol.* 7. If at Seſſions or Aſſizes he refuſeth, and his Excuſe is not allowed, it's fit he be bound to the good Behaviour, and he may be indicted for a Contempt, and thereupon he may be fined and impri-

impriſoned; if he refuſe to be bound to the good Behaviour, let him be impriſoned till he will: And the King's Book of Orders directs, that ſuch be bound with good Sureties, to appear at the Council board; if the Parents refuſe, let them be committed to the Houſe of Correction.

Parents refuſing to let their Children go out Apprentices.

It is made a Quære in the Reſolution. Q. 25. Whether an Apprentice put out by the Church-wardens, *&c.* according to the Statute, to a Maſter in another Pariſh; if his Maſter die, and leave no Executor or Adminiſtrator fit to keep an Apprentice, or able to place him, whether he ſhall be provided for in the Pariſh where he was Apprentice, or ſhall be ſent back to the Pariſh from whence he was put out? *Reſol.* Servants and Apprentices are by Law ſettled in that Pariſh, and if they become Impotent there, the Pariſh muſt abide the Adventure, after the Term or Time of Service be lawfully ended. [But if the Executor hath Aſſets left him, the Judge of *Aſſize* hath ordered him to keep him, or place him out.]

Apprentices put out into another Pariſh, and the Maſter dies, &c.

It's ſaid, an Apprentice put to a Man in regard of his Farm, when his Leaſe expireth, the Apprentice muſt

An Apprentice to go with the Farm.

ſtill go with the Farm, if the Maſter will. Otherwiſe when an Apprentice is put to a Man in regard of his Ability, or for other Reſpect. *Dalt. ult. Edition*, p. 152.

Several Caſes about the compelling Perſons to take Apprentices, and the Reſolution of all the Judges.

The Publiſher of the Laſt *Dalton*, ſeems to oppoſe this ſo long received Opinions (that Perſons may be compelled to take Poor Children Apprentices) of the Judges of Aſſize, and according to the Reſolutions of the ancient Judges in 1633. And theſe Reſolutions appear to him of little weight, and this chiefly upon the Authority of Judge *Twiſden*, p. 152, 161. I agree, the Reaſons he gives againſt that Opinion are fit for Conſideration, and the moſt equal Way ſeems to be by a Stock raiſed. But as to the general Authority of the Reſolutions, I ſhall cite my Lord *Coke*'s grave Opinion delivered in his Second *Inſtitutes*, *p.* 735. in his Explication of the Statute 7 *Jac.* cap. 4. concerning Houſes of Correction, his Words are theſe: We have not gone about to ſpeak of the Statute of 39 *Eliz.* or other Statutes concerning Rogues, *&c.* or the Poor, *&c.* which all the Judges of *England* have upon due Conſideration explained,

The Authority of the Judges Reſolutions in 1633. vindicated.

ed, and which are truly rehearſed and imprinted, and ought to be obſerved, *&c.* His Words are of weight, and he was Contemporary with them: In the Margent he cites *Lambert's Juſtice of Peace*, Lib. 2. p. 207. wherein the ſaid Reſolutions are ſet down, and as many as concern this Subject are here faithfully tranſcribed (tho' the Law in ſome Points is ſince altered by Acts of Parliament as may be obſerved in this Treatiſe *.) Now I ſhall cite ſome Caſes that have been adjudged concerning this Point, wherein we may ſee the variety of Opinions of the Judges, tho' in the main they all agreed of the Sence of the Act *preter Twiſden*, and at laſt how it was reſolved by all the Judges in the 28th of *Charles* the Second, for the Queſtion was of great Conſequence.

In the Caſe between the King and *Newton*, an Order of Seſſions was made for taking a Baſtard Child Apprentice, not ſhewing that the Child was a poor Child, or charged on the Pariſh, nor in what Trade he was to be bound to, and prayed to be quaſht; eſpecially for that the Child was bound but to a Tenant at Will in the Pa-

* Note, *The Reſolutions in* Lambert *are ſaid to be of the Queen's Juſtices at* Weſtminſter. *But thoſe the Publiſher of* Dalton *objects againſt, are ſaid to be the Reſolutions of the Judges of Aſſize*, 1633.

riſh: *Per Curiam*, the Order ſhall be confirmed; and did declare, That one may be compelled to take Apprentice.

About the 14 *Car.* 2. And in the Time of *Charles* 1. *Hutton* and *Croke* were of the ſame Opinion, to whom the Juſtices referred ſuch a Caſe. And an Order was made at the Council-board, to quicken the Juſtices in all the Counties to the like Rule: And by *Foſter* Ch. Juſtice, the Statute would be uſeleſs, ſhould not there be a Compulſion to take, as well as to ſet out. And it is Part of the Reſolution of the Judges, that Conſideration ſhould be had of the Age of ſuch Children. *Windham* conceived, the Meaning of the Law was to advance Husbandry, and not to bind to other Trades; and it is intended the Seſſions being a Court will do juſtly, and yet he thought they may place ſuch Children where they pleaſe. *Twiſden* ſtickled againſt this Opinion, on *Tarlye's Caſe in* Kent; but yet notwithſtanding the Court confirmed the Order, and held the Exception inſufficient. Another Caſe there was about the ſame Time between the Juſtices of Peace of *Darby*

by and one *Gillibert*; in which Caſe *Windham* was of Opinion, That they that are grieved have no Remedy but before the Juſtices, who in this Caſe are Judges of the fitneſs of the Parties with whom they place them; to which *Foſter* Chief Juſtice agreed: And that if the Party have wrong upon his Indictment, or Information preferred on Contempt, or refuſal to obey the Order, he may plead it.

The Juſtices of *Spalding* in *Somerſetſhire* put *Hannah* to Apprentice on the Defendant who was Pariſhioner (as a Farmer) but no Inhabitant; on which the Defendant appealed to the next Seſſions at *T.* who confirmed their Order by the Defendant's Conſent; for Contempt of which he was after indicted at Seſſions, and he removed the Order and Indictment into the *King's-Bench.* Council prayed a *Procedendo*, for that the Child is well placed, by 43 *Eliz.* in that the Defendant hath agreed to it; but *per Curiam*, the Defendant is a Draper in another Pariſh, and may have an 100 *l.* with an Apprentice. It was referred to the Judge of Aſſize, 1 *Keb.* 634 *Spering*'s Caſe. And then by after Opinions, it was thought

ſuf-

ſufficient, if ſuch Perſon to whom the Apprentice is put, doth provide for him by raiſing Money for his Maintenance, as was done by Sir *John Ferris* in *Hartfordſhire*, tho' he was not any Trader: And *Keeling* Ch. Juſtice ſaid, he had had many Apprentices put upon him, and that he had done the like. *Traiſden* at length agreed it to be the ſettled Courſe, and in the principal Caſe, the Council prayed a *Certiorari* to remove an Order of the Juſtices in Confirmation of an Order made by the Overſeers of the Poor to place an Apprentice with the Defendant, but the Court refuſed to grant it. This was the Caſe of the *King againſt Sherwin*, p. 21 *Car.* 2. *B. R.*

But now this *Vexata Queſtio* is ſettled, on Conſultation with all the Judges of *England*, in the Caſe between the *King* and *Pine*, *Hill.* 29 and 30 *Car.* 2. *B. R.* *Pine* who had Land in the ſame Pariſh had an Apprentice put on him; he was in Contempt for not obeying the Order, and was Indicted: It was their Opinion. That the Overſeers of the Poor could not force an Apprentice on any Man that did not perſonally occupy Huſbandry,

The Judges late Reſolution.

bandry, and the Indictment was quash'd. 3 *Keb.* 854.

It is Enacted, That if any Action of Treſpaſs, or other Suits, ſhall be brought againſt any Perſon or Perſons for taking any Diſtreſs, making of any Sale, or any other Thing doing by Authority of this Act, the Defendant may plead not Guilty, and give the ſpecial Matter in Evidence, or elſe make Avowry, Cogniſance or Juſtification, for the taking the ſaid Diſtreſs, making Sale, or any other Thing doing, alledging, That the ſaid Treſpaſs, Diſtreſs, Sale, or other Thing, was done by Authority of this Act; to which the Plantiff ſhall Reply, de Injuria ſua propria abſque tali Cauſa, *and if the Verdict be for the Defendant, or the Plantiff be Nonſuit after Appearance, the Defendant ſhall recover treble Dammages with Coſt, or Writ to enquire of the Dammages.* Of Treble Dammages and Coſts.

Sale and Diſtreſs of Goods. Yet if the Plantiff voluntarily deliver any Money which he is aſſeſs'd to the Poor, and after brings Treſpaſs for this againſt the Overſeers; this is within the Statute, for theſe Words (*Sale and*

and Diſtreſs) are only put in the Act for Examples, for the Statute ſhall be largely conſtrued, becauſe it tends *ad opus Charitatis*, and Treſpaſs brought after ſuch voluntary Delivery is a Vexation, and ought to be ſuppreſs'd, and *per Cur'* Dammages in this Action ſhall be aſſeſs'd by the Jury, but ſhall be trebled by the Court, and the Court may give Coſts *de incremento*. Yelv. *p.* 176. *Okely* againſt *Salter*; and 44 *Eliz. Rol.* 516. *B. R. Meniall* and *Bell*'s Caſe cited there.

Parents refuſing. If the Parents of Poor Children ſhall refuſe to ſuffer their Children to be put forth (without good Cauſe ſhewed), ſuch Parents alſo may be bound over by the Juſtices to anſwer their ſaid Default; and if the Apprentices refuſe, the Juſtices ſhall ſend them to the Houſe of Correction, *Quouſque*, *&c.*

Children refuſing.

Parents enticing their Children from their Maſters. And if their Parents ſhall entice their Children away (themſelves not being able to maintain them), ſuch Parents may be committed to the Houſe of Correction.

Reſolv. 7. If the Child refuſe, ſend him to the Houſe of Correction, *quouſque*.

By

By Statute 7 *Jac.* c. 3. Children which be above the Age of Fifteen Years, are not thought fit or allowed to be first bound out as Apprentices, but must be forced to work, or to go to Service; and if they refuse, to be sent to the House of Correction, or bound over to their good Behaviour to the Assizes or Sessions of the Peace.

Children above Fifteen, not to be bound out Apprentices.

How Money given for the binding of Poor Children to Occupations shall be bestowed by Stat. 7 Jac. c. 3. *at large.*

FOrasmuch as the true Labour and Exercise of Husbandry, and the bringing up of Apprentices of both Sexes in Trades and Manual Occupations, are Things very profitable in the Commonwealth, and acceptable and pleasing unto Almighty God, there being already Sums of Money freely given, and more in Time to come like to be given by divers well-disposed Persons, unto the Corporations of divers Cities, Boroughs, Towns Corporate, and unto divers Persons in sundry Towns not Corporate, and Parishes within this Realm of England, to be continually employed in the binding

ing out as Apprentices of a great Number of the pooreſt Sort of Children unto needful Trades and Occupations, the Experience whereof hath brought forth very great Profit and Commodity unto thoſe Cities, Towns, and Pariſhes, where any Parts of the ſaid Moneys have been ſo given and employed, and ſo no doubt there will conſequently enſue thereof the exceeding Good of the Commonwealth in general. And for that the moſt part of the poorer Sorts of Children would (as heretofore) without ſuch Care and Aſſiſtance be brought up in Idleneſs, and diſordered kinds of Life, to their utter Overthrow, and to the great Prejudice of the whole Commonwealth: And for that it is very likely that many other well-diſpoſed People will be the better encouraged willingly to follow the like good Example, in beſtowing all good Sums of Money to the ſame good and godly Purpoſes, if it might be ſo provided, if ſuch Moneys as have been already ſo freely given, or as hereafter ſhall be given, for the binding out of ſuch poor Children Apprentices, may hereafter continually remain and be wholly imployed accordingly.

Be

Be it Enacted therefore, That all Sums of Money so freely given at any Time within Three Years last past, or hereafter to be given by any Person or Persons, to be continually employed for the binding out of Apprentices as aforesaid, shall for ever henceforth continue, and be from Time to Time used and employed to such Uses, Intents and Purposes only, and by such Persons, and in such Manner and Form as shall be hereafter by this present Act specified and declared; (except the same have been or shall be otherwise ordered or disposed by the Givers thereof) that is to say, That all Corporations of all Cities, Boroughs and Towns Corporate, by what Name or Names soever they shall be known or incorporated, and in Towns and Parishes not Incorporate; the Parson or Vicar of every such Town or Parish, together with the Constables, Church-wardens, Collectors, and the Overseers for the Poor for the Time being, or the most Part of them, where any such Sum or Sums of Money are already given, or shall be hereafter given to be so employed, shall from Time to Time within the said several Cities, Boroughs, Towns and Pa-

How Money given for the binding out of Apprentices of poor Children shall be employed, and by whom.

Pariſhes reſpectively have the Nomination and placing of ſuch Apprentices, and the Guiding and Employment of all ſuch Moneys as have been heretofore ſo given, or which hereafter ſhall be given, to and for the continual binding forth of ſuch and ſo many Apprentices, and in ſuch Sort as is already, or hereafter ſhall be ſo given and appointed, either by the Laſt Will and Teſtament, or by any Writing or Writings under the Hands and Seals of any Perſon or Perſons which hath already, or hereafter ſhall ſo give any Sum or Sums of Money unto the good and godly Purpoſes and Intents aforeſaid. And if the Corporation of any ſuch Cities, Boroughs or Towns Corporate, by what Name or Names ſoever they ſhall be called or incorporated, or any the Perſon or Perſons in the other Towns and Pariſhes abovementioned, appointed by this Act to have the continual Guiding and Imployment of ſuch Sums of Money ſo already given, or hereafter to be given to the Intents and Purpoſes aforeſaid, ſhall at any Time hereafter wilfully forbear or refuſe, according to their Duties in this behalf, to imploy ſuch Sums of Money ſo given, or to be given

The Forfeiture of thoſe which of Duty ought, and yet refuſe to employ the Money.

given as aforesaid, for the binding out of such Apprentices, by means of which wilful Forbearance or Refusing, the said Money shall not be employed accordingly, that they and every of them so offending contrary to this Act, shall forfeit for every such Offence the Sum of Three Pounds Six Shillings and Eight Pence Lawful English Money, the one Half thereof to be given to the Poor of the Town or Parish where such Fault or Offence shall be done or committed, the other Moiety to the Party that shall sue for the same. And that every Man that will, may and shall be admitted to sue for the same Moiety to the Use and Benefit of the said Poor, and shall be also admitted to sue for the Forfeiture of the other Moiety in any of the King's Majesties Courts of Record, to his own Benefit and behoof, by Action of Debt, Bill, Plaint or Information, wherein no Protection, Wager of Law or Essoin shall be admitted or allowed.

And for that all Moneys so given may the better continue to and for the Purposes aforesaid, be it Enacted, That the Master, Mistress, or Dame of every such Apprentice or Apprentices, that shall receive any

such

The Maſters and Miſtreſſes which ſhall receive the Money, ſhall be bound with Sureties to repay it, and within what Time.

ſuch Sum or Sums of Money as aforeſaid, ſhall become bound with One or Two ſufficient Sureties, by Bond or Obligation, in double the Sum which they and every of them ſhall ſo receive with every ſuch Apprentice or Apprentices as aforeſaid, unto the Corporation of any ſuch City, or Town Corporate, by what Name or Names ſoever they ſhall be called or incorporated, or to ſuch Perſon or Perſons in the other Towns and Pariſhes not incorporated, appointed by this Act to have continually the Guidance and Imployment of all ſuch Sums of Money ſo already given, or hereafter to be given, to the Intents and Purpoſes aforeſaid reſpectively; upon Condition to pay ſuch Sum or Sums of Money, as he or ſhe ſhall receive with ſuch Apprentice or Apprentices, at the End of Seven Years next enſuing the Date of the ſaid Obligation, or within Three Months next after the End of the ſaid Seven Years. And if ſuch Apprentice happen to die within the ſpace of Seven Years, then within one Year after his or her ſaid Death. And if the Maſter, Miſtreſs, or Dame, to whom any ſuch Apprentice or Apprentices ſhall be bound, ſhall happen to

die

die within the ſaid ſpace of Seven Years, then within One Year next after his or her Death, ſo as the ſaid Moneys may be again employed, for placing ſuch Apprentice with ſome other Perſon of the ſame Trade, to ſerve out the Reſidue of the Years of his or her former Apprenticeſhip by the Diſcretion of the ſaid Perſons Truſtees as aforeſaid.

Within what Time the Money ſhall be put forth.

And be it further Enacted, That every ſuch Sum or Sums of Money ſo given, or to be given in Manner and Form, and to and for the good Uſes and Intents aforeſaid, ſhall always be put forth and employed by the Parties aforeſaid, that by this Act ſhall have the Imployment and Diſpoſal thereof, within Three Months at the furtheſt after ſuch Moneys ſhall come to the Hands of the ſaid Parties, that by the true Intent and Meaning of this Act ought to diſpoſe and employ the ſame.

A Proviſion, that if there be not fit Perſons in that Pariſh to be Apprentices, then to the next Pariſh.

And if at ſuch Times there ſhall not be found fit and apt Perſons to be bound out Apprentices as aforeſaid within the ſaid Cities, Towns and Pariſhes, where ſuch Sums of Money are or hereafter ſhall be given to be employed as before is declared; then ſuch of the pooreſt Children of any of the

the Parishes next adjoining, shall be bound Apprentices in manner as aforesaid, as by the Care and good Discretion of the Parties, which by this Act have the Disposing and Employment of the said Sums of Moneys in the Cities Towns and Parishes, where it was first given to be employed, shall be thought fit and convenient, taking such Bonds and Obligations of the Persons that shall receive the same Sums of Money so put forth, and with such Sureties and upon such Conditions, as is above-mentioned and declared.

What sort of Persons shall be Apprentices.

Provided always, that Choice from Time to Time be made of the poorest Sorts of Children of every such City, Town and Parish where such Moneys shall be so given, and whose Parents are least able to relieve them. And

Not to be above 15 Years of Age.

that no such Apprentice shall be above the Age of Fifteen Years, when he or she shall be so first bound out an Apprentice.

And for the better Execution of this Act, be it further Enacted, That all and every Person and Persons appointed by this Act, to have the disposing and imploying of any Sum or Sums of Money so given or to be given as aforesaid, within any Town or Parish

not

not Corporate, *shall once every Year in the* Easter *Week, or within one Month next after* Easter-day, *make a true and perfect Account before Four, Three or Two Justices of the Peace, dwelling in or next to every the said Towns and Parishes, of all such Sum and Sums of Money, as they or any of them have imployed in binding of Apprentices, by Vertue of this Act, and of all Bonds and Obligations taken for the Payment thereof: And also of all such Sums of Money as then shall happen to be remaining in their Hands not employed: And also shall at the making and yielding up of the said Account, or within Ten Days then next following, yield and deliver up unto such as shall happen next to succeed them, or then to be in the said Rooms and Places, all such Obligations and Bonds, as by them or any of them have been before that Time taken to the Uses aforesaid. As also all Sums of Money remaining in their, or any of their Hands to be employed as aforesaid, and not imployed at the time of the yielding up the said Accounts.*

Account to be made of the Money employed, when and how.

And further, be it enacted by the Authority aforesaid, That if any of the Parties appointed and trusted by this

A Remedy where any Party truſted ſhall break his Truſt, or commit any Offence.

this Act to have the Diſpoſing and Imployment of any of the ſaid Sums of Money ſo given or to be given as aforeſaid, ſhall in any Point or Degree break the Truſt or Confidence in them in this behalf repoſed, or ſhall commit any other Miſdemeanour or Offence in miſimploying of the ſaid Sums of Money, or any Part thereof, or in doing any other Act or Acts contrary to their Duties, and the true Intent and Meaning of this Act, for which there is not by this Act any Penalty given or appointed: Then it ſhall and may be lawful for any Perſon or Perſons whatſoever in Behalf of the Poor of ſuch City, Borough or Pariſh, to exhibit his Petition to the Lord Chancellour, or Lord Keeper of the Great Seal of England *for the Time being, touching the ſame, which Lord Chancellor or Lord Keeper of the Great Seal of* England *for the Time being, ſhall thereupon have full Power and Authority to award a Commiſſion out of the High Court of* Chancery *under the Great Seal of* England, *unto ſuch Perſon and Perſons as his Lordſhip ſhall think meet, to enquire, hear and determine the ſaid Offences, and every of them. And if the ſaid Commiſſioners,*

By Commiſſion out of *Chancery.*

oners, or the moſt Part of them, ſhall find, that any Sum or Sums of Money ſo given or to be given are loſt, waſted, impaired or diminiſhed, then they or the moſt Part of them ſhall likewiſe have Power by Vertue of this Act, and of their ſaid Commiſſion, to rate, raiſe, and collect the ſaid Sum of Money ſo loſt, impaired, waſted or diminiſhed, upon ſuch Perſon or Perſons in Places not incorporate, as by this Act are appointed to have the guiding and ordering of the ſaid Moneys, if they or any of them have failed in their ſaid Duties in that behalf, or otherwiſe, upon the able Inhabitants of the ſaid City, Town or Pariſh where the ſame ſhall ſo happen, as in the Diſcretion of the ſaid Commiſſioners, or the greateſt Part of them, ſhall be thought fitteſt, and to return the ſaid Commiſſion, and the Manner of the Execution thereof, into the ſaid High Court of Chancery within Three Months next after the Execution thereof. And if any Perſon ſhall find himſelf aggrieved by any Thing done by the ſaid Commiſſioners, then upon Complaint made in the High Court of Chancery, the ſaid Lord Chancellor or Lord Keeper for the

Time being, ſhall have full Power and Authority to order and decree the ſame, as to his Lordſhip ſhall be thought moſt fit to ſtand with Equity and good Conſcience.

Mr. *Dalton* makes a Quære, what Authority the Juſtices of Peace have by this Statute, if the Perſons entruſted refuſe to give Account; for they are only impowred to take them, *p.* 154. I conceive this comes within the Words, *or ſhall commit any other Miſdemeanour or Offence.* And ſo it may be remedied in *Chancery*.

Remedy in Chancery.

Of Diſcharging Apprentices.

By the Chief Juſtice; If the Juſtices of Peace diſcharge the Apprentice of his Covenant to his Maſter; it is a good Order, tho' they do not expreſly diſcharge the Maſter of him, becauſe it is diſcharged in Law of Courſe, by diſcharging of the Apprentice; for then the Maſter has no longer Power over him. 'Tis ſaid, this muſt be in open Seſſions, and by Four Juſtices at the leaſt.

E. 2. If they can diſcharge a Surgeon's Apprentice not being a Trade within the Statute, and if he were not bound by Compulſion of the Juſtices, whether the Juſtices have Pow-

er

er to discharge him? For a like Construction hath been made on other Parts of the Statute; as, if a Servant in Husbandry is not paid his Wages, the Justices may order it, because they might have compell'd him to serve: But you never allow an Order for Coachmen and Footmens Wages, because the Justices cannot compel them to serve. 2 *Keb.* 822. 1 *Sand.* 313, 314.

Compelling to pay Wages.

S. R. It hath been so practised, and Orders have been allowed here for Payment of more than Statute Wages; and tho' an Order for Payment of Coachmens Wages have been disputed, yet an Order for an Houshold Servant never was.

Chief Justice; The Court has indulged Orders for Servants Wages; but as to the Imposition of Apprentices, they are not to go to a Justice of Peace, if the Servant is willing to serve; for he is not to compel, unless the Party refuseth. If the Statute should be taken, as it has been generally, then a rich Merchant in *London* may be compell'd to take an Apprentice with nothing. In the Case in *Saunders*, there was a Merchant, and Money given, which was allow'd;

Orders for Servants Wages indulged.

Surgeon not a Trade mentioned in the Stat.

but a Surgeon is not a Trade within the Statute mentioned; tho' it is a Trade as to ſerving of Seven Years within that Statute, that none can otherwiſe exerciſe it, but it is not a Trade mentioned before in the Statute, and the Statute cannot be extended to any other: Therefore *per Cur.* let the Order be quaſht.

Apprentice bound by his Indenture.

It is Noted, That every one that is bound an Apprentice according to 5 *Eliz.* c. 4. is compellable to ſerve his Time out as if he was of Age when he was bound; but his Covenant is not good, ſo as to enable the Maſter to bring an Action upon it. *Cro. Car.* 129.

Certificate of Apprentice's Father, having 40 s. per Annum.

The Certificate which is to be made by 5 *Eliz.* c. 4. to the Head-Officer of any City or Town Corporate, where it requires the Father of the Apprentice to have Inheritance of Freehold of 40 *s. per Annum*, muſt be under the Hands and Seals of Three Juſtices of the Peace of the County where ſuch Land lies. See the Statute.

See 5 *Eliz.* cap. 4. who may be compell'd to ſerve by the Day in Hay and Corn-Harveſt Time.

So

So who ſhall be compelled to ſerve in Husbandry.

Alſo of Servants being put away before the End of the Term.

Of a *Capias* againſt an Apprentice that departeth and flieth into another County, to take and detain him, till he give Security to ſerve as he ought.

And of the Penalty for a Servant's departing without a Teſtimonial.

CHAP. V.

Of Poor Perſons being relieved by their Relations, as Father, Grand-father, Mother, Grand-mother, Children, &c. Who are Mothers and Fathers, or Grand-fathers and Grand-mothers, within this Act; and how chargeable.

YOU have been acquainted with the ſeveral Ways of Relieving the Poor, as by Tax, or Aſſeſſment; *vid. ſupra.*

By Raiſing a Stock, *vid. ſupra.*

By Binding forth Apprentices, *vid. ſupra.*

By Building of Houſes on the Waſte for the Poor, *vid. ſupra.*

And now I come to another Way or Means very Neceſſary and Chriſtian-like; and that is, by being relieved by their Relations: As to that, the 4th Branch in the *Stat. of* 43 *Eliz.* c. 2. *And be it further Enacted, That the Father and Grand-father, and the Mother and Grand-mother,*

Parents, Grand-fathers, *&c.* to relieve Children, and Children relieving Parents.

ther, and the Children of every Poor, Old, Blind, Lame and Impotent Perſon, or other Poor Perſon not able to work, being of a ſufficient Ability, ſhall at their own Charges relieve and maintain every ſuch poor Perſon in that manner, and according to that Rate, as by the ſaid Juſtices of Peace of that County where ſuch ſufficient Perſons dwell, or the greater Number of them, at their General Quarter Seſſions ſhall be aſſeſſed, upon Pain that every one of them ſhall forfeit 20s. *for every Month which they ſhall fail therein.*

Upon Forfeiture of 20 *s.*

The ſaid Forfeiture is to be levied by the Church-wardens and Overſeers of the Poor, or one of them, by Vertue of a Warrant from any ſuch Two Juſtices, (whereof one being of the *Quorum*,) Mayor, Alderman, or Head-Officer of City, Town, or Place Corporate reſpectively within their ſeveral Limits, by Diſtreſs and Sale as aforeſaid; or in defect of Diſtreſs, any Two ſuch Juſtices may commit the Offender to Priſon, there to remain without Bail, till the ſaid Forfeiture ſhall be paid. And ſuch Forfeiture ſhall be imployed to the Uſe of the Poor of the

The Forfeiture, how to be levied.

ſaid Pariſh; *the Father and Grand-father, Mother and Grand mother*; the reputed Grand-father and Grand-mother ſeem not to be within this Statute, for a Baſtard is *Filius Populi*. *Reeve's Caſe*, 7 *Car.* 1. *vid. infra*, The Father may be compelled to allow Maintenance to his Son's Wife; (the Husband being abſented) as was done in the Caſe of one *John Bale*, by Order, 2 *Sept.* 15 *Jac. Lib. Seſſ. pa. Midd.*

Reputed Grand-father.

Father to relieve the Son's Wife.

If the Grand-mother be a Perſon of Ability, and then marries, the Perſon with whom ſhe married is a Grand-father within this Stat. for by the Marriage all her Goods are given to the Husband; *& qui ſentit commodum ſentire debet & onus:* But with this Difference, If the Grand-mother at the Time of the Marriage were of Ability, otherwiſe not. *Draper's Ca. Mich.* 7 *Car. Gerrad's Ca.* Suppoſe the Wife have nothing to bring her Husband in Marriage, but after by her Induſtry he becomes Rich; Q. If he ſhall be charged? *Whitlock*, he ſhall: And *Croke*, to the contrary. But they both agreed, That if an Eſtate deſcend to the Wife after Marriage, the Husband ſhall be charged: If the Grand-

Grand-mother, marries, whether her Husband ſhall be chargeable.

Grand-mother have no Means, and she afterwards marry with one that hath, he shall not be charged with keeping this Child; but if the Husband have sufficient Means with the Grand-mother in Marriage, there he shall be charged during the Life of the Grand-mother, and no longer.

If Estate descend to the Wife after Marriage, the Husband shall be chargeable.

An Order of Sessions was made against a *Feme*-Covert, to keep a Grand-child of hers, and it was moved to discharge the Order, because a *Feme*-Covert was not bound by such an Order: *Per* Rolls; her Husband is bound to keep his Wife's Grand-child by the Statute: But in regard the Husband is not charged by the Order, but the Wife who is Covert is only charged, the Order was quasht. *Stile*'s, *Rep.* 283. *Finnk*'s *Case*.

If the Child live in the County of *Midd.* and be maintained by the Parish there, and the Grand-father or Grand-mother, *&c.* live in the County of *Suff.* the Justices of *Midd.* can make no Order therein, but the Justices of the County of *Suff.* must make an Order to Charge, *&c. Dalt. p.* 156. *and this was one* Reeve's *Case*.

Reeve was brought to the Bar by *Hab. Corpus*, being committed upon

this *Stat.* 43 *Eliz.* c. 2. for that he being the reputed Father of *B. G.* who was maintained by the Pariſh of St. *Giles* in the Fields, and he being a Man of Ability, refuſed to maintain the Child, or to find Sureties for his Appearance at the next Seſſions. *Reeve* moved, that the Commitment was Illegal, being grounded upon the ſaid Statute, wherein is this Clauſe; *That the Father and Grandfather, Mother and Grand-mother, the Children and Grand-Children of every Poor Perſon not able to Work, (they being of Ability,) ſhall pay ſuch Rates, and in ſuch wiſe, as the Juſtices in that County where ſuch Perſon dwells, at their next Quarter-Seſſions ſhall aſſeſs, upon Pain to forfeit* 20s. per *Month.* Whereas there is no ſuch Perſon taken notice of, as the reputed Father of a Baſtard, which is *Filius Populi:* It alſo appeared, that *Reeve* dwelt in *Suffolk*, and coming to *London* about Law-ſuits, was taken by a Warrant of a Juſtice of Peace of *Midd. per Curiam*, the granting that Warrant was illegal, and all the Proceedings in *Midd. coram non Judice.* The Juſtices at their Seſſions in *Midd.* have not Pow-

Juſtices of Peace can make no Order, or Commit one that lives in another County, as to keeping Children; but the Juſtices of the ſame County may, and ſend the Money to the other County where the Child is.

er

er to make any Order, the Party living in another County; and he is not to be committed till an Order made, and a Refusal to pay the 20 *s.* *per* Month; and if he refuse this, then (for want of Distress) to be committed, and not before: And *per* *Jones* and *Croke*, it is reasonable that he should contribute to the Maintenance of the Child, he being of Ability; but this is not the Way, to compel him. *Note*, The Justices in *Suff.* may make an Order in it, and so cause the Money to be sent up, 2 *Bulst.* *p.* 34. *Mich.* 7 *Car.* 1. *B.R.* The Rule of Court was, to bind *Reeve* to appear at next Quarter-Sessions for *Midd.* *Reputed Father.*

[*The said Justices*;] The Court of *King's-Bench* was moved to quash an Order of Sessions made at *Derby*, for Parents to relieve their Poor Children: Exception was, The Statute appoints, that the Justices at the Sessions shall assess the Rate that is to be paid for their Maintenance; and that the Justices here have not done it, but have Transferred their Authority over to other Justices to do it; which they cannot do, and so the Order made by the other Justices is not good; *As to the said Justices.*

and

and of that Opinion was the Court. *Stiles's Rep. p.* 154. The King againſt *Humfryes*.

CHAP. VI.

Of Work-houſes, and the Method and Benefits of them.

BESIDES what ſhall be ſaid in the Chapter concerning Houſes of Correction, I think it convenient to add ſomething of Work-houſes, and what Statutes concern the ſame.

I ſhall firſt abridge the *Stat.* 14 *Car.* 2. *c.* 12. concerning the Work-houſes in *London*, *Middleſex*, and *Surrey*, it being an Excellent Preſident for other Corporations.



There ſhall be one or more Corporation or Corporations, Work-houſe or Work-houſes, in *London* and *Weſtminſter*, the Counties of *Middleſex* and *Surrey*, lying within the Pariſhes in the Weekly Bills of Mortality, conſiſting of a Preſident, Deputy-Preſident, and Treaſurer, the Lord Mayor for the Time being to be

be President, and the Aldermen to be the Aſſiſtants, in *London*, with Fifty-two Citizens to be choſen by the Common-Council; and the Preſident and Aſſiſtants to chuſe a Deputy, and a Treaſurer, and other Neceſſary Officers; and upon a Vacancy of any Aſſiſtant, the Power to be in the Common-Council.

That the Lord Chancellor, or Lord Keeper, to chuſe the Preſident and Deputy, the Treaſurer and Aſſiſtants, in *Weſtminſter*, out of the moſt Fitting Perſons for the Corporation there; and the Vacancies to be ſupply'd by the Juſtices of the Peace in the Seſſions.

That in *Middleſex* and *Surrey*, the Preſident, Treaſurer, and Aſſiſtants, ſhall reſpectively be nominated by the Juſtices of Peace in their Seſſions, and the Vacancy ſupply'd by them: Which Preſident, Deputy-Preſident, Treaſurer, and Aſſiſtants, ſhall be a Body Corporate, and ſhall have a Perpetual Succeſſion, and may ſue, or be ſued, by the Name of the Preſident and Governours for the Poor of the Reſpective Places aforementi-on'd in all Courts in this Kingdom and *Wales*, and may purchaſe Lands not exceed-

exceeding 3000 *l. per Annum*, and any Goods, Chattels, or Sums of Money, whatſoever; and each Reſpective Corporation, or Seven of them, may keep Courts at the Requeſt of any Four of the Corporation, and may have a Common Seal.

The Preſident and Governours, or any appointed by them, or any Two of them, may apprehend Rogues, Vagrants, Sturdy Beggars, or Idle and Diſorderly Perſons, within their Precincts, and ſet them to work.

Future Supplies, &c.

The next Branch is, for the raiſing of a Stock for the Foundation and future Supply: And the Common-Council for *London*, Burgeſſes and Juſtices in Seſſions for *Weſtminſter*, and the Juſtices of Peace at their Seſſions for *Surrey* and *Middleſex*, are to aſcertain ſuch Sums of Money, not exceeding One Year's Rate, from Time to Time uſually ſet upon Perſons for the Relief of the Poor, and the ſame to proportion upon the ſeveral Wards, Precinct and Pariſhes; and thereupon the Aldermen, Deputies, and Common-Council-Men in *London*, the Burgeſſes and Juſtices in *Weſtminſter*, and the Juſtices in *Middleſex* and *Surrey*, to Rate the Inhabi-

Inhabitants; and if any be grieved, he may appeal to the next Seſſions.

The Aldermen and Deputies in *London*, the Burgeſſes and Juſtices in *Weſtminſter*, and Juſtices in *Middleſex* and *Surrey*, or any Two of them reſpectively, may, by Warrant under their Hands and Seals, Authorize the Church-wardens and Overſeers, to demand and receive the Money aſſeſs'd; and upon Notice in Writing, left at the Houſe or Lodging, and Non-payment within Ten Days, to Levy by Diſtreſs and Sale, rendring the Overplus.

All Stocks in *London*, in the Hands of any Perſon, with the Arrears of Money, and Legacies for the Poor, to be paid to the Treaſurers there.

The Preſident and Governours, or any Seven of them, may make Orders and By-laws for regulating the Work, apprehending Rogues, and other Purpoſes.

All Sheriffs, Conſtables, and other Officers, and Miniſters of Juſtice, ſhall be Aiding to the ſaid Corporation, and to all Officers to be employed by them.

By

☞ By Vertue of an Act, made 22 and 23 *Car.* 2. their Power as to laying of Rates expired in 1675, by which laſt Act, the Officers of the ſaid Corporations are to give a Quarterly Account to the Juſtices of Peace, who are to call for it of them.

This is a Publick Act.

Indictment was on this Statute, for refuſing to Collect according to the Order of the Juſtices, which mentioned the Act, only without any Time or Place: Exception to the Indictment, becauſe it was a private Act, and ſo not indictable; *p. Windham*, and *Twiſden*, it's a Publick Act, otherwiſe it would be fruitleſs, for a Church-warden is a Publick Officer; and here the King is in a ſort concerned, to whom Information is to be made by the Juſtices. 1 *Keb.* 732. 749. The King againſt *Paulin*, Church-warden of St. *Clements*; 749. the Court agreed it a general Law, and Judgment for the King.

Certainly the raiſing of Stocks, and providing Work-houſes to ſet able Poor at Work, and to train up Children in the ſame, is the moſt effectual Remedy to prevent the Swarms of Idle and Vagrant Perſons in every County: This would be the Way to pluck

pluck up the Idle Weeds by the Roots, and to accuſtom People to Laborioufneſs, Induſtry and Frugality; then we ſhould ſeldom be at the Coſt to relieve any but the Old and Impotent. We have in the Statute of 43 *Eliz.* c. 2. Power given to the Overſeers to raiſe Stocks, by Rating the Pariſhioners, and Setting the Poor at Work, *quod vid. p.* 1. but that Law is deficient, and doth not anſwer the Ends and Purpoſes deſign'd. I diſtinguiſh Work-houſes from Houſes of Correction, for Perſons will not willingly apply themſelves thither; whereas if a good Courſe were taken, and good Uſage in Stocks and Proviſion, with orderly Management, it would be rather a Society or College of Artificers, than a *Bridewell*, and the Work would be cheerfully carried on. 1. There is no Power in the Juſtices of Peace, or ſome ſuperintendent Power, to compel the raiſing of a Stock, where the Churchwardens and Overſeers neglect it. 2. The Act chargeth every Pariſh apart, and it may be they can do little towards it; neither would it be ſo effectual, as if Three or Four adjoining Pariſhes did contribute to the raiſing

raiſing of a Stock, proportionable to their Poor reſpectively. 3. There is no Power for hiring or erecting a common Houſe, or Place for a common Work-houſe, and yet this is the leaſt of the Defects.

Sir Matthew Hale, *in his little Book of the Poor, hath given a Form of Remedies for theſe Defects, which I ſhall ſet down briefly, the Book being ſcarce, and not eaſie to be had.*

1. That the Juſtices of the Peace at the Quarter Seſſions do ſet out, and diſtribute the Pariſhes in their ſeveral Counties, into ſeveral Diviſions; in each of which there may be a Work-houſe for the common uſe of the reſpective Diviſions, wherein they are reſpectively placed; that is to ſay, Two, Three, Four or Five Pariſhes to a Work-houſe, according to the Greatneſs or Smallneſs, and Accommodation of the ſeveral Pariſhes.

2. That at that Seſſions, the Churchwardens and Overſeers of the Poor, of the reſpective Pariſhes, bring in their ſeveral Rates for the Relief of their reſpective Poor upon Oath.

And

And that the ſaid Juſtices do aſſeſs Three, Four or Five, Yearly Pays beforehand for Raiſing the Stock, and Buying Materials, and for inſtructing Children in Trade.

3. That the Juſtices chuſe a Maſter Yearly for each Work-houſe, with a convenient Salary out of the ſaid Stock, or the Proceed thereof to continue for Three Years; and Two Overſeers to ſee the Iſſuing and Return of the ſaid Stock, and to take the Accounts Quarterly or Monthly of the Maſter, as they ſhall think fit.

4. That the Stock be delivered to the Overſeers, and by them iſſued to the Maſter, as there ſhall be Occaſion; and that they from Time to Time receive the Proceed of the ſaid Stock, and the Accompts for the ſame.

5. That at the End of every Year, the Maſter and Overſeers give up their Accounts to the Two next Juſtices of the Peace, at Times by them prefixed, and publickly notified to the Inhabitants of each Precinct, to the end they may take Exceptions to ſuch Account, if Cauſe be.

6. That the Maſter and Overſeers of every Work-houſe be Incorporated, and

and capable to take in Succeſſion, by Will, or otherwiſe, Lands, Goods, or Money, *&c.*

7. That if any Perſon not able to Maintain himſelf, ſhall refuſe to work, to be forced by Warrant from Two Juſtices of Peace, by Impriſonment and Correction.

8. If any Perſon employed ſhall embezel, or wilfully prejudice or ſpoil his Work, he may, upon Complaint to any Juſtice of the Peace, receive Impriſonment and Correction by Warrant of ſuch Juſtice.

The Benefits would be great, were this Method taken.

1. By Incorporating of theſe Workhouſes, Charitable Perſons would have a Pillar to faſten their Charity, and it would invite Benefactors, becauſe of the careful Adminiſtration.

2. This would bring up Hundreds to gain a Livelihood.

3. It would bring People, and their Children after them, into a Regular, Orderly, and Induſtrious Courſe of Life; and all the Laws againſt Vagrants, Beggars and Wanderers, will then effectually be put in Execution,

cution, when we may be ſure they may be employed if they will.

4. Wealth will be encreaſed, Manufactures advanced, and every Body put into a Capacity of eating his own Bread. We may improve our Populouſneſs to our Wealth, as well as *Holland*, and *Flanders*, and *Barbadoes*; and if we had the ſame Induſtrious Education, we ſhould have the ſame Induſtrious Diſpoſition.

CHAP.

CHAP. VII.

Of Settlement. What hath been deemed a Legal Settlement, or not? What Juſtices are impowered about Removing and Settling of Wife, Children, Servants. Of Settlement, in Reference to Baſtards and Mothers.

I ſhall now come to that which hath been full of Perplexity in our Books, and which hath created more Trouble to the Officers and Juſtices, than any one Point of this Law; (*viz.*) Settlements, Removal, Diſturbances, *&c.*

And in this, I ſhall conſider how the Law hath been, and wherein it is altered, that ſo we may the better know how it ſtands at this Day.

And this, in Reference to the Poor in general, and Servants, and Baſtard-Children particularly.

Place of ſettling. Now as to the Places of ſettling, they are Two, the Place of one's Birth,

Birth, and the Place of laſt Settlement, if it may be known. Vagrant Rogues are to be ſent to their Place of Birth, others to the Places of their laſt Settlement; and therefore, if one be Born in one Pariſh, and afterwards is an Inhabitant, or in Service in another Pariſh, if he grow Poor and Impotent, or Wander, he muſt be found by that Town wherein he dwelt, and not be ſent to his Place of Birth; but if he turn a Vagabond, Sturdy Rogue, he muſt be ſent to the Place of his Birth. 2 *Bulſtrode*, 352. *Reſol.* 9. Thoſe that have Houſes when their Terms are expired, and Servants whoſe Time of Service is ended, if they are not Impotent, are to provide themſelves Houſes and Places; if they cannot, they are to be ſet to Work by the Overſeers, if able; but if ſuch Perſons wander Abroad, begging out of the Pariſh, then they ſhall be ſent as Vagabonds to the Place of their Birth:) To this Purpoſe was the Town of *Kimmalton* and *Layſtas*, 7 *Car.* at *Hereford Aſſizes*, 1631. *W.* and his Wife lived at *Layſtas* Five Years, and after came into *Kimmalton*, and did there Rent an Houſe

Terms expired, Servants.

Thoſe who are neither Poor nor Impotent.

Houſe for a Year, and having Children, the Town fearing they would be chargeable to them, procured a Juſtice of Peace to charge the Landlord to warn them out of his Houſe, or to put in Security to ſave the Town harmleſs; the Landlord put them out at the Year's End, and ſet the Houſe to another: *W.* complains to the Juſtices, who Order, That the Town of *Kimmalton* ſhould provide him an Houſe, paying an yearly Rent, or elſe that the Overſeers of the Poor do provide for them; which they refuſe to do, and ſo were in Contempt. Whereupon *W.* complains to the Judge of *Aſſize*. *Per Whitlock.* The Order made by the Juſtices was againſt Law, for that *W.* was neither Poor nor Impotent within the Statute 43 *Eliz.* c. 2. but *W.* is to provide himſelf an Houſe, and he might go back to *Layſtas*, where he formerly lived, and had Means. *Bulſtr.* 2. 242. If he become Impotent, *Kimmalton* muſt provide for him.

When the Judges of King's-Bench *will determine the Point of Settlement, or not.*

If the Caſe of Settlement of a poor Child be between Two Pariſhes, the Court uſually refers it to the Judges of Aſſize; but if between Two Counties, this Court will determine it.

it. 3 *Keb.* 644. The King and *Tewing.*

What hath been deemed a Legal Settlement, and what not.

As to that, we find theſe Rules.

Every one who is ſettled a Native, an Houſholder, a Sojourner, Apprentice, or a Servant retained for one Month at the leaſt, without a juſt Complaint made to remove Him or Her, ſhall be held to be ſettled, (except there be any Practice in the Caſe, *vid. infra.*) *Reſolv.* 26. This one Month is altered to Forty Days, *vid. infra*; yet an abode by the ſpace of a Month, muſt not be to live or keep privately ſometimes in one Houſe, ſometimes in another; or to abide by Reaſon of Sickneſs, Lunacy, Lameneſs, *&c.* nor to a Nurſe-child, nor to a Scholar at School, or at Univerſity, or Perſons ſent to an Hoſpital, or Houſe of Correction, or to the Common Gaol, but their Settlement is where their Parents are ſettled, or themſelves laſt lawfully ſettled. *Reſolv.* 32.

Native Houſeholder, Sojourner, Apprentice, Servant.

If one be retained in Service only, or had but hired an Houſe, the Law

Retained in Service. Hiring an Houſe.

Of such that hinder Poor Men from hiring Houses.

unsettles not such Persons. *Note*, Such as shall by indirect Means hinder a Poor Man from hiring an House, may for such Disturbance be indicted upon the Statute for causing them to turn Rogues. 39 *Eliz.* c. 5.

Settlement by Practice or Agreement.

No Settlement can be Legal, that is brought about by Composition, Practice or Agreement. Therefore if a Parish will have a Man born in *A.* but settled with them, to go and wander, and beg in *D.* that he may be sent to *A.* and he doth so; he must be sent back to the Parish from whence he came.

Settlement by Compulsion.

No Settlement is Legal, that is brought about by Compulsion. Therefore if a Man born in *A.* be settled in *B.* and he is there thrust and kept out of his House, so that he is forced to wander and beg in *D.* and thence is sent to *A.* he is to be settled in *B.* for this was by Compulsion. A Man with his Wife and Children, takes an House in one Parish for an Year, and before the end of the Term is put out of Possession, and then goeth into another Parish, where the Woman in a Barn is delivered of a Child; this thrusting out of Possession was an illegal unsettling, there-

fore

fore they muſt be ſent to the Pariſh where they were laſt lawfully ſettled. *Reſolv.* 24.

A miſtaken Settlement, is no Settlement at all. Therefore if a Rogue be taken and examined, and ſaith his Birth is at *D.* and it cannot appear otherwiſe, but he confeſſeth truly that his laſt Place of Habitation was at *S.* whereupon he is whipt and ſent to *S.* and at his coming to *S.* the Place of his Birth is known, in this Caſe he muſt be ſent to *W.* *A miſtaken or a lying Settlement.*

No Settlement can be Legal in any Pariſh, when the Reſidence of the Party is obſcure and uncertain, and coming now and then, and lying in Barns and Outhouſes, *&c.* *Obſcure and Uncertain Reſidence.*

As to the Alteration of the Law as to ſome of theſe Points, *vid. infra*, under the Statute of 14 *Car.* 2. c. 12. and 1 *Jac.* 2. and 3 & 4 *Willielmi & Mariæ.*

No Settlement can be where the Party is under Diſturbance by the Officers: *Vid.* 3 & 4 *W.* & *Mar. infra.* *Diſturbance.*

Note, They that are ſent from one Pariſh to another, muſt be offered to the Church-wardens and Overſeers

of the Poor of the Place, &c. and not to any other Perſon.

What Juſtices are impowered about removing or ſettling.

Note alſo, It was delivered by Sir *Francis Harvey* at Summer Aſſizes at *Cambridge*, 1629. that the Juſtices of Peace (eſpecially out of their Seſſions) were not to meddle either with removing or ſettling of any Poor, but only Rogues. *Dalt. p.* 158. Some hold the next Juſtice of the Peace may give Order in it, and upon Appeal the Quarter-Seſſions ſhall fully take Order therein.

H. being a Labouring Man, and having an Abode at *T.* goeth to work, (*viz.*) to make Brick with his Family to *E.* where he died, *T.* and *E.* being both in the County of *Middleſex*, his Family ſhall be kept by *T.* altho' his Employment laſts longer than that Seaſon, as well as if he had only removed to an Harveſt, or ſuch like. 1 *Keb.* 243. between the Pariſhes of *Eling* and *Thiſtleworth.*

Settlement as to Wives and Children, where the Husband is a Servant, Rogue, &c.

Regularly the Wife is to be ſent to, and ſettled with the Husband where

where he is ſettled, tho' he be there but as an Inmate or a Servant. If he be a Rogue, ſhe ſhall be ſent to him; if the Husband be a Rogue, and the Wife not, ſhe muſt be ſent to the Place of her laſt Settlement ſo long as the Husband is in *Bridewell*, and then to be ſent to him where he is ſettled. *The Husband an Inmate or Servant.*

If the Husband hath an Houſe in *A.* and live there by Night, but is in Covenant to ſerve a Maſter in *B.* and he is there all the Day, in this Caſe ſhe is to continue in *A.* but if he take an Houſe in *B.* ſhe muſt be ſettled with him. *Husband a Covenant Servant.*

If a Man hireth an Houſe in *A.* and being there with his Wife and Children, he afterwards ſhall bind himſelf as a Servant with one dwelling in *B.* yet his Wife and Children are not to be ſent to *B.* or placed there, but are to remain ſtill at *A.* where they were once ſettled; otherwiſe if the Husband had hired an Houſe in *B.* *Dalt. ult. Edit.* 158. *Husband a Covenant Servant.*

If a Child be born, or be a Servant in *B.* it's a Settlement there whether the Father be Impotent or not; but it not appearing whether the Child were above or under Seven

Child ſettled where the Father is,

Years old, the Order was quaſht. Alſo the Juſtices cannot ſend the Child to the Father, but muſt order Contributions to be levied on the Father at *P.* (where he lived to be ſent to *B.*) and *per Keeling* and *Moreton*, ſaid the Wife and Children may be ſettled in one Place, and the Husband in another; but *Twiſden* conceived, if the Husband be ſettled in another Pariſh as a Servant, the Children not ſettled may be ſent to him. 2 Keb. 618. *The Inhabitants of* P. *Caſe about Settlements as to Children.*

Regularly all Children are to be ſent to, and ſettled with the Parents.

Children Vagrants.

Children above Seven Years old, if begging and vagrant with the Parents, are to go to *Bridewell* with them; if under, to the Place where they laſt paſſed through without Puniſhment.

Young Children whoſe Parents are dead:

If Children unſettled have no Parents, or the Parents cannot be found, they muſt go to the Place of their laſt Settlement; but otherwiſe, young Children whoſe Parents are dead, and were ſettled, in that Place are they to be ſettled, and ſet at work, where the Parents dwelt at the Time of

of their Death, and not to be ſent to the Place of their Birth. *Per* Fleming *Chief Juſtice.*

If a Child be duly ſettled with Father or Mother, and they die, or run away thence, it muſt there continue, and may not be ſent to the Place of its Birth. *Or run away.*

And where-ever the Woman with Child is to be ſettled in a Pariſh, if ſhe die, her Child ſhall be charged on the ſame Pariſh. *Dalt.* 1. *Edit.* 121. *The Child of a Woman with Child, and dying.*

Vide plus infra, Baſtard Children.

If one great with Child be ſent to the Houſe of Correction, and there ſhe is delivered, the Child ſhall be ſent to the Pariſh from whence the Mother came, there to be provided for: *Per Jones.* And Children born in the Common Gaol and Houſes of Correction, their Parents being Priſoners, they are to be maintained at the Charge of the County. *Reſol.* 32. *A Child delivered in the Houſe of Correction or Common Gaol.*

Settlement as to Servants.

If a Woman unmarried be hired weekly or half yearly in a Pariſh, and there ſhe hap to be gotten with Child, and then goeth into another Pariſh, where ſhe is ſettled in Ser- *A Woman got with Child, where to be ſettled.*

vice or otherwiſe Two or Three Months, and then ſhe appears to be with Child; in this Caſe ſhe is to be ſettled in this Place, and not in the Place where ſhe was got with Child. *Reſol.* 12.

The Husband a Servant in one Place, and the Wife delivered of a Child in another.

If a Maid-ſervant be got with Child at *A.* by one of the ſame Pariſh, and both their Times of Service end and they marry, and then the Man is retained in Service at *B.* and the Woman is delivered of her Child in *A.* in this Caſe, ſhe and her Child ſhall be ſettled with the Father at *B.* *Per* Dalton 159. *vid. plus infra de Baſtard-Children.*

Of Settlements as to Baſtards and their Mothers, and of Relief.

How, and when the Maſter is to provide for his Servant got with Child.

A Woman Servant unmarried is gotten with Child, and then goeth out of her Maſter's Service, before or after it be diſcovered that ſhe be with Child, and the reputed Father be run away, or is not able to free the Pariſh; here if the Maſter hath legally diſcharged his Houſe of ſuch a Servant, he is no more bound to provide for her than any other. *Reſol.* 13.

Other-

Otherwiſe he muſt provide for her till her Delivery, and one Month after, and ſo if her Time be not expired.

A hired Servant in *A.* is got with Child, after her Time of Service expired ſhe goeth into another Pariſh, and is there hired in Service, or otherwiſe ſettled by the ſpace of one Month, and is then diſcovered to be with Child, ſhe now is not to be ſent to the Place or Pariſh where ſhe was got with Child, but to the Place where ſhe was laſt lawfully ſettled. *Reſol.* 12.

A Woman got with a Baſtard-Child, to what Place to be ſent.

A Travelling Woman having a ſmall Child ſucking upon her, is apprehended for Felony, and ſent to the Gaol, and is after arraigned and hang'd: This Child is to be ſent to the Place of its Birth, if it can be known, otherwiſe it muſt be ſent to the Town where the Mother was apprehended; for that, that Town ought not to have ſent the Child to the Gaol, (being no Malefactor). And ſo it was delivered by Sir *Nich. Hide* at *Cambridge Lent* Aſſizes, *Anno* 3 *Car. Regis. Dalt.* 157.

A Woman (travelling with a ſmall ſucking Child) taken, arraign'd and hang'd.

It is made a *Quere* in the Judges Reſolution, Whether a Juſtice of

A Servant being with Child, how to be legally discharged of her Service.

Peace may discharge a Servant being with Child from her Service, allowing that as a reasonable Cause, that she is thereby made unable to do the Service, which otherwise she might have done; and if he may discharge her, whether that Parish shall provide for her, till her delivery, if she cannot provide for herself? And so also, if her Time be expired before her Delivery, who shall provide for her after the Time ended? *Resol.* 22. It is resolved, if a Woman being with Child, procure herself to be retained with a Master who knoweth nothing thereof, this is a good Cause to discharge her of her Service; and if she be gotten with Child during her Service, it is all one; but in neither of the said Cases can he turn her away of his own Authority: If her Term be ended, or she otherwise lawfully discharged, the Master is not bound to provide for her; but it is a Misfortune fallen upon the Parish, which they must bear as in other Cases of casual Impotency.

How, and by whom to be provided for?

It is made another *Quere*, Whether one being delivered of a Bastard-Child in one Parish, and goeth into another with her Child, and becomes Vagrant,

Vagrant, and ſo is ſent to the Place of her Birth; her Baſtard-Child being under the Age of Seven Years, ſhall be ſettled with her Mother, and there maintained? If the Mother be not able, Whether it ſhall be ſent to the Place of its Birth? Or being ſettled with the Mother, Whether the Pariſh where it was born, ſhall be ordered by the Two next Juſtices to pay a weekly Sum towards its Maintenance?

Reſol. The Baſtard-Child muſt be placed with the Mother, ſo long as it is within the quality or condition of a Nurſe-Child, which ſhall be till Seven Years of Age, and then is fit to be ſent to the Place of its Birth to be provided for, the Mother or reputed Father not being able; and the Place where the Child is born, ſhall not be forced to contribute to the Charges as long as the Mother lives, and the Child be under Seven Years of Age.

Baſtard Child to be placed with the Mother till Seven Years of Age.

Margaret B. was got with Child by one *Gough*; the Child was born at *Drayton* in the County of *Salop* Eleven Years ſince, and *Gough* the reputed Father took the Child from the Mother, and placed him at Nurſe elſe-

elſewhere; and after Marries another Woman, and dwells with her at St. *Chad*, and the Baſtard-Child dwelt with him; afterwards *Gough* the reputed Father dies, leaving his Wife and divers Children, and the ſaid Baſtard-Child, all poor, and maintained by the Pariſh. The Mother of the Baſtard hath been all this while in Service, but is a ſimple Woman, yet able to Work: The Queſtion was, whether this Baſtard ſhall be ſent to the Town of *Salop*, where he had lived for Ten Years, or to *Drayton*, the Place of his Birth, or to his Mother? Reſolved, it ſhall be ſent to the Mother if ſhe be able; if ſhe be not, then to the Town of *Salop*, in regard he had been there formerly ſettled with his reputed Father, and becauſe it is the Place of laſt Settling, he being there for Ten Years; and the Law reſpects the Place of laſt Settling, as well as the Place of Birth.

If the Mother be not able, then to be ſent to its laſt Place of Settlement, where the reputed Father lived.

CHAP.

CHAP. VIII.

Of the Relief of Baſtards, and of puniſhing their reputed Parents. The Power of Juſtices in making Orders. What Orders ſhall be Good or not. What Final or not. Of Appeals. Of the Power of Juſtices of Peace in Seſſions, by 3 Car. c. 4. *And how far that alters the Statute of* 18 Eliz.

UNder this Head of Baſtards, I ſhall ſet down the Statute made 18 *Eliz.* cap. 3. How Juſtices of Peace ſhall order the Puniſhment of the Mother, and reputed Father of a Baſtard: And cite ſuch adjudged Caſes thereon that ſhall direct us, as to the Maintenance of ſuch Baſtard-Children.

Concerning Baſtards begotten and born out of lawful Matrimony, the ſaid Baſtards being now left to be kept at the Charges of the Pariſh where

where they be born, to the great Burden of the ſame Pariſh, and in defrauding of the Relief of the Impotent and Aged true Poor of the ſame Pariſh, and to the evil Example and Incouragement of lewd Life: It is Enacted, That *Two Juſtices of the Peace, whereof one to be of the* Quorum, *in or next unto the Limits where the Pariſh Church is, within which Pariſh ſuch* Baſtard *ſhall be born (upon the Examination of the Cauſe and Circumſtance) ſhall and may by their Diſcretion take Order, as well for the Puniſhment of the Mother and reputed Father of ſuch Baſtard Child, as alſo for the better Relief of every ſuch Pariſh in part or in all, and ſhall and may likewiſe by like Diſcretion take Order for the keeping of every ſuch Baſtard Child, by charging ſuch Mother or reputed Father with the Payment of Money weekly, or other Suſtentation for the Relief of ſuch Child, in ſuch wiſe as they ſhall think meet and convenient: And if after the ſame Order by them ſubſcribed under their Hands, any the ſaid Perſons (viz.) Mother or reputed Father, upon Notice thereof, ſhall not for their Part obſerve and perform*

Proviſion for the relieving of Baſtards.

the

the ſaid Order, That then every ſuch Perſon ſo making Default in not performing of the ſaid Order, to be committed to Ward to the Common Gaol, there to remain without Bail or Mainprize; except he, ſhe, or they, ſhall put in ſufficient Surety to perform the ſaid Order, or elſe perſonally to appear at the next General Seſſions of the Peace to be holden in that County where ſuch Order ſhall be taken, and alſo to abide ſuch Order as the ſaid Juſtices of the Peace, or the more part of them, then and there ſhall take in that behalf (if they then and there ſhall take any); and that if at the ſaid Seſſions the ſaid Juſtices ſhall take no other Order, than to abide and perform the Order before made, as is aboveſaid.

The Puniſhment of ſuch as ſhall not perform the Juſtices Order.

That Two Juſtices of the Peace, &c. The Juſtices of Peace in Caſe of Exigence may provide for Baſtard Children; and other Juſtices of Peace, beſides the Two next, may make an Order; and this Statute was only made to order and regulate the Manner, which may be extended by Equity unto any Juſtices into whatſoever Place the reputed Father removeth.

removeth. The Caſe was, The Juſtices of *London* made an Order for keeping of a Baſtard-Child in *S.* in *Suſſex*, and there the reputed Father gave Security to keep him. Now the Party having removed into *London* with the Child, the Order is ſufficient, tho' it were to pay 15 *l.* Arrears of 3 *s.* by the Week ordered in *Suſſex*, and to give Security to pay for the future what the Two next Juſtices think fit: Here being not only a Conteſt between the Pariſh and the Defendant as to the Baſtard, but for his Miſdemeanour in refuſing neceſſary Maintenance; and the Court remanded him and confirmed the Order, 1 *Keb.* 459. *William*'s Caſe.

At the next General Seſſions. Upon Motion to quaſh an Order made by the Juſtices of Peace at their Seſſions in *Kent* for the keeping of a Baſtard-Child; it was Reſolved, That theſe Words, *next* Quarter-*Seſſions*, ſhall be intended, that the Order made by the Juſtices ſhall be confirmed at the next Quarter-Seſſions, held for that part of the County where it was made, and not the very next Seſſions in the County, for this would be miſchievous in many Counties,

ties, as in *Kent*: For the Seſſions held at *Canterbury*, do not intermeddle with Things done in *Maidſtone* Diviſion, nor *Maidſtone* with *Canterbury* Diviſion. *Siderfin.* p. 149. *The King verſ.* Coyſtan.

This Act is continued by 3 *Car.* 1. c. 4. (that is to ſay) ſo much of it as concerneth Baſtards begotten out of lawful Matrimony, with this Addition, That *all Juſtices of Peace within their ſeveral Limits and Precincts, and in their ſeveral Seſſions, may do, and execute all Things concerning that part of the ſaid Statute, that by Juſtices of Peace in the ſeveral Counties are by the ſaid Statute limited to be done.* This Clauſe that gives Authority to Juſtices of Peace in Seſſions, is to be underſtood, where the next Juſtices have made no Order therein, *Dalt.* p. 40. For the Juſtices of Peace in Seſſions could not before the Statute 3 *Car.* 1. c. 4. meddle with the Settlement of, or Proviſion for a Baſtard-Child, according to 18 *Eliz.* c. 3. until the Two next Juſtices had made ſome Order therein; and after ſuch Order made by the Two next Juſtices, the Seſſions might proceed therein to make

The Juſtices of Peace in Seſſions have Power to make Order concerning Baſtard-Children.

make a new Order. But now by this Stat. 3 *Car.* 1. c. 4. the Juſtices in Seſſions have Power originally to make an Order therein.

As to Baſtards begotten and born out of lawful Matrimony.

Of taking Security for the Pariſh, before or after the Child is born.

The Statute 18 *Eliz.* c. 3. ſhall be taken by Equity; and altho' Baſtards are intended Children born, yet the Juſtices may take Security of ſuch as are big, or of reputed Fathers during that Time, leſt they be gone before the Child be born; and after the Child is born, it is an uſual Practice for the Overſeers to take Security of the reputed Father to ſave the Pariſh harmleſs; and oftentimes they take a Sum of Money in groſs for that Purpoſe, eſpecially about *London*. And many ſay, That if the Child die in a ſhort Time after, this Money is concealed from the Pariſh; of which, Quære.

An Order of Diſcharge was not the next Seſſions after the Charge, the Defendant being beyond Sea; but it was the next Seſſions after the Defendant returned, and had Notice of the Order of Charge as reputed Father:

ther: Did this appear in the Order of Diſcharge, that the Seſſions after Notice is the next, on 18 *Eliz.* c. 3. 2 *Keb.* 551. *The King and* Baker.

This Statute ſhall be taken by Equity; and albeit Baſtards are intended Children born, yet the Juſtices may take Security of ſuch as be big, or of reputed Fathers during that Time, leſt they be gone before the Child is born; which the Court agreed. 3 *Keb.* 708. *The* King *and* Browne.

And the reputed Father of ſuch Baſtard-Child. By this Statute the reputed Father is only chargeable, and therefore in one *Lintey's* Caſe, the Indictment of a reputed Grandfather of a Baſtard was quaſht, and all the Orders therewith removed. 3 *Keb.* 747.

Note, Every Juſtice of Peace (upon his Diſcretion) may bind to the good Behaviour, him that is charged or ſuſpected to have begotten a Baſtard-Child, that he may be forth coming when the Child ſhall be born, otherwiſe there will be no reputative Father, when the Two Juſtices (after the Birth of the Child) ſhall come to take Order according to the Statute 18 *Eliz.*

By their Diſcretion.

One charged or ſuſpected to have got the Baſtard-Child to be bound to their Good Behaviour.

18 *Eliz.* The like may be done after the Birth of the Child, and before ſuch Order-taken, *Lambert* 122. *Crompt.* 196. *Dalt.* 29. And if ſuch reputative Father ſhall by Perſwaſion or other Practice be conveyed away, or run away, ſo as the Juſtice of Peace cannot come by him; every Juſtice of Peace, upon his Diſcretion, may bind to the good Behaviour, and ſo over to the next General Gaol Delivery, or to the next Quarter-Seſſions, ſuch as ſhall have an Hand in ſuch Practice; and ſuch Offenders may by the *Diſcretion* of the Juſtices (at their general Seſſions) be Ordered to contribute towards the Maintenance of the ſaid Baſtard-Child: So if Conſtables having received a Warrant to apprehend the reputative Father, ſhall willingly, or negligently ſuffer him to eſcape, or fine them: So if the Mother be conveyed or ſent away, whereby ſhe leaveth her Child to the Charge of the Town.

The Puniſhment of ſuch as ſhall convey away the reputative Father.

And of Conſtables that ſuffer him to eſcape: Or the Mother.

[*Such Baſtard ſhall be born.*] Such Baſtard-Child muſt be ſuch that is left to the Charge of the Pariſh, or one likely to be chargeable.

Take Order, and upon Non-performance thereof, *put in Sureties to perform*

perform the ſaid Order. Hammond's Caſe, 3 Car. 1. was, he got a Child; the Examination whereof was referred to the Two next Juſtices, according to the Statute, upon which the Juſtices make an Order, which *Hammond* refuſed to perform; thereupon they cauſe him to enter into Bond to appear at the next Seſſions, where he appeared; the Juſtices there made another Order, and becauſe he refuſed to perform this, they committed him to Priſon: *Per Curiam*, the Impriſonment was illegal, being not Warranted by the Statute, but they ought to have proceeded againſt him upon his Bond. By *Hide, Chief Juſtice*, the Juſtices ought not to commit for not performing their Order of Quarter-Seſſions, where they alter the former Order made by the Juſtices, who had firſt the Examination; for by the ſecond Order the firſt was made null: And it was one *Smith's* Caſe *6 Car.* 2. It appeared by Proof before Two Juſtices, that *Smith* was the reputed Father of a Baſtard-Child, and the Juſtices made an Order for Maintenance of the Child, and for Diſcharge of the Pariſh according to Law, and afterwards committed him for

The Juſtices make an Order; for Non-performance whereof, they commit the reputed Father to Priſon: The Commitment is illegal.

The Juſtices muſt take Bond to appear at next Seſſions;

for not performing the Order: *Per Cur. B. R.* the Commitment is void, and the Juſtices ſhould have taken Bond of him to appear at next Seſſions.

But this Caſe went further: Sir *H. Poole* and Dr. *Standard* being the Two next Juſtices, did examine this Matter; upon which it then appeared that one *Field* was the reputed Father, and made their Order againſt *Field*, that he ſhould maintain the Child, diſcharge the Pariſh, and enter into Bond for his Appearance at the Quarter-Seſſions, and to abide their Order there made: He refuſed to enter into Bond, but appeared at the Seſſions, and there ſhewed that *Smith* was the reputed Father. The former Order was certified, but the Juſtices did nothing upon it, but granted a new Reference unto Dr. *Standard* and *Maſter Gregory*, Sir *H. Poole* being gone out of the Country, and they made the laſt Order contrary to the former, and by this they charged *Smith* as the reputed Father: It was Reſolved, 1. That the Juſtices at their next Quarter Seſſions ought to have made their final Order, or to have affirmed or diſallowed the former

The Juſtices at their Quarter-Seſſions to make a final Order.

mer Order, and then afterwards to have granted a Reference to the ſame; next Juſtices which made the firſt Order, to conſider better of it, and of the Proof, and this had been according to Law. 2. That after an Appeal to the Seſſions, and the Juſtices there do repeal the firſt Order, the Matter then is as *Res integra* before them, and they may then grant a Reference to the Two next Juſtices. 3. That the Recognizance ought to be in the Disjunctive, (*viz.*) To perform the Order by them made, or to appear at the next Quarter-Seſſions, and to abide the Order there. 4. The Reference by the Juſtices at the Seſſions, before they had allowed or diſallowed the firſt Order, was illegal: This was ſo reſolved in the *King*'s-*Bench*.

After Appeals, and repealing the firſt Order, the Juſtices may grant a Reference to the Two next Juſtices.

Recognizance to be in the Disjunctive.

Reference illegal.

Anne Tarling having a Baſtard-Child; upon Complaint made thereof to the Seſſions, it was referr'd to the next Juſtices to examine and order; who did make an Order againſt *John Wood* to be the reputed Father, and order'd him to allow One Shilling and Four-pence Weekly, *&c.* *Wood* appeal'd to the Seſſions, where the ſaid Order was diſallow'd, and one *W. C.* charg'd

Reference to the next Juſtices.

to

to be the reputed Father. *Jones*, Juſtice, at *Gloceſter* confirm'd the laſt Order made at Seſſions, which was final, and no Appeal to be admitted againſt it. And ſo was *Pridgeon*'s Caſe of *Lincolnſhire*: *Pridgeon* being examin'd, was found by Two Juſtices to be the reputed Father of a Baſtard-Child, they made an Order againſt him, for Allowance, *&c.* Afterwards he appeals to the Seſſions, where *Pridgeon* was diſcharg'd, and another was found to be the reputed Father, and an Order made againſt him. Afterwards at another Seſſions of the Peace, upon a Re-examination, another Order was made againſt the laſt Order, whereby *Pridgeon* was found again to be the reputed Father, and ſo order'd to maintain the Child, and if he did not perform it, ſhould be committed; he was committed, and brought his *Habeas Corpus*. *Pridgeon* appeals to the Judges of the *King's-Bench*. *Reſolv'd*, That *Pridgeon* ſhall be freed from the Second Order at Seſſions, it being illegal; and the Firſt Order made by the Quarter-Seſſions, upon Appeal to them, to ſtand in force, and no Appeal to be admitted

The Second Order made at Quarter-Seſſions illegal, and no Appeal to be admitted againſt the Firſt Order.

ted againſt it, the ſame being final, and not to be alter'd by the Judges of Aſſize, *Crok. Car.* 341, 350. *Jones* 330.

It was reſolv'd, upon the Statute 18 *Eliz. c.* 3. That the Juſtices of of Peace at their Seſſions, nor the Juſtices of Aſſize, have Power to meddle with Baſtard-Children but upon an Appeal and Settling; but this is to be done by the Two next Juſtices. *Paſch.* 8 *Car.* 1. *B. R. Bowber* and *Painter.*

But ſuppoſe Two ſuch Juſtices cannot agree upon their Order, what is then to be done? As ſuppoſe they cannot agree upon the reputed Father, *&c.* Some think it fit that ſuch Difference ſhould be referr'd to the Hearing of the whole Bench, ſo the Matter to be re-examin'd by them, and what Order therein ſhould be ſet down by the Bench, the ſame to ſtand good; but I like the other Opinion beſt, which is, as is conceiv'd, the Words of the Statute being in the Disjunctive, *Two Juſtices of Peace in or next to the Limits, &c.* If the Two Juſtices of Peace in that Diviſion or Limits cannot agree, then the Two Juſtices of Peace next to

If Two next Juſtices diſagree.

that Diviſion or Limits (being in the ſame County, and one of them of the *Quorum*) have Power to take Order therein.

Juſtices in their Seſſions have Power to make Orders about Baſtard-Children.

But now *per Stat.* 3 *Car.* 1. c. 4. the Juſtices have Power in Seſſions originally to make Orders about the Settlement or Proviſion for Baſtard-Children, which before they had not; for now the Juſtices of Peace in Seſſions have the ſame Authority given them as was given the Two Juſtices by 18 *Eliz.* 3. and the ſame Rules are to be obſerv'd in drawing their Order *Mutatis mutandis.*

This Statute doth not give Authority to one Seſſions to alter that which in a former Seſſions was order'd; for the Statute is, That if the Two next Juſtices of Peace do not make Proviſion for the Baſtard, the Juſtices of Peace at their Quarter-Seſſions ſhall ſettle an Order for keeping the Baſtard, as the Two next Juſtices ought. *Crok. Car.* 350, 351. *Pridgeon's* Caſe.

The Juſtices can't confirm the Firſt Order, and add further Penalty but they may alter or enlarge at Pleaſure upon Appeal; but on Appeal they cannot refer the Order back

to be alter'd by the Firſt Juſtices. 1 *Keb.* 570. *The King againſt* Terry.

By this Statute, 3 *Car.* 1. *c.* 4. the Juſtices in Seſſions may proceed on Order made by the next Juſtices, whether begun originally in Seſſions or not. 2 *Keb.* 720. *The King againſt* Jennings.

On the Conſideration of theſe foregoing Caſes, *Keling* ſaid, That in the Firſt Order of Juſtices for keeping a Baſtard, the Security by 18 *Eliz.* is to abide the Order of the next Seſſions, and no other; and if they affirm the Firſt Order on Appeal, or annul it, ſtill the Firſt Security only remains, and no other can be taken of him, or any other Perſon that ſhall appear to be the reputed Father; and in this Caſe, the Juſtices of the Third Seſſions have nothing to do to diſcharge or affirm the Firſt Order. 1 *Keb.* 546. *The King againſt* Coſting.

A Servant-Maid dwelling in *Twyning* was got with Child, and being near her Time, was convey'd by Practice into an Out-houſe in *Tewksbury*, where the Child was born. Afterward *Twyning* gave her Relief, and as ſoon as ſhe was able to remove,

they of *Twyning* gave her and her Child Relief for Two Years. Afterwards the Mother being ſick, they ſent her away with her Child to *Longden* in *Com. Wigorn.* where the Mother died; then they of *Longden* ſent the Child to *Twyning*, and they of *Twyning* ſent the Child (being under the Age of Three Years) to *Tewksbury*, and they ſent it back to *Twyning*. *Reſolv'd* at the Aſſizes, 9 *July*, 8 *Car. An.* 1682. The Child regularly is to be kept where it was born, if no Practice was us'd to have it born there; but if by Practice, then it is to be kept by the Pariſh where ſhe did dwell, and where ſhe was got with Child, and which uſed ſuch Practice, and that is the Pariſh of *Twyning:* And ſo it was order'd.

A Baſtard-Child to be kept where it was born, if there were no Practice.

A Man is charged to be the reputed Father of a Baſtard by Order of Two Juſtices, he appeals to the Seſſions, and prays a Day to another Seſſions to bring in his Proofs; and beſides giving a Day nothing is done. Now the Queſtion was, If the Court might give him Relief at another Seſſions? And at the Aſſizes, *per Walter*, Chief Baron, reſolv'd, That the next Seſſions after, the Two Juſtices

One appeals to the next Seſſions, and there prays a Day to be heard; the Seſſions after he was reliev'd.

ſtices Order muſt relieve him, or none elſe could, *6 Car.* 1. *Gitten* and *Edwards.* So in *6 Car.* 1. it was reſolv'd in the Caſe of one *Smith* againſt the Pariſh of *Blackthorn*, in *Comit. Oxon.*

Note, Such as ſhall remove or put any out of the Pariſh that ought not to be put out, this is againſt the Statute concerning the Relief of the Poor, and finable; and if any be ſo ſent away, they may be ſent back again. And this Fine ſeemeth to be by Force of the Statute of *39 Eliz. cap.* 4. and to amount to Five Pounds, and is to be levied by Diſtreſs and Sale of the Offenders Goods, upon a Warrant under the Hands and Seals of any Two Juſtices of the Peace, either upon the Confeſſion of the Offenders, or elſe upon the Teſtimony of Two ſufficient Witneſſes.

Illegal putting one out of the Pariſh.

How the Fine is to be levied.

If a Man conſents in a Court of Record to keep a Baſtard-Child, if after he neglect, an Attachment lieth. 1 *Keb.* 534. *The King againſt* Spearing.

Conſent to keep a Baſtard-Child.

If a Man live in an Houſe at *A*, there with his Children, but works in *B*, where he is hired for a Year, in this Caſe his Children ſhall be in

Where a Man and his Family live at A, *but he works at* B.

A, but if he have a Houſe in *B*, they ſhall be ſent there. *Dalt.* 158. *Vide ante*, *Chap.* 7.

For the Placing and Settling of Poor People, who for want of Charity are much ſent and toſs'd up and down from Town to Town, and from County to County, *it hath been holden by ſome* the late Acts of Settlement, 1 *Jac.* 2. *c.* 17. 3 & 4 *W.* & *M. c.* 11. 8 & 9 *W.* 3. *c.* 30. & 5 *Ann. c.* 34. are full in the Point. See in the *Abridgments*, and ſee after *Chap.* 11.

Acts of Settlement.

A Maid-Servant was gotten with Child by one *R.* at *D*, and the Child born there; *R.* takes the Child from the Mother, and puts it to Nurſe, and marries another Woman, and keeps the Child with him Ten or Eleven Years together, and died, leaving a Wife and divers Children, which ſhe was not able to maintain, but they were reliev'd by the Pariſh. The Mother of the Baſtard-Child uſually liv'd at Service, and had Three Pounds *per Annum* left her by her Friends, but it was not in her own Hands, and ſhe was ſtill able to do ſome Work, tho' ſhe was a Woman but of a weak Underſtanding. It was reſolv'd at *Salop* Aſſizes, by *Jones* and *Whitlock*, 7 *Car.*

A Baſtard-Child Born at D, and kept by the Father 10 Years at another Place, how to be ſettled after the Father's Death, the Mother living at D.

7 *Car.* 1 That the Child was to be ſent to the Mother, if ſhe were able to maintain it; if not, to the Place where it was ſettled Ten Years with the Father. 2 *Bul. Rep.* 350.

Further Obſervations *touching Orders for the Relief of Baſtard-Children.*

1. If the Party appeal to the next Seſſions, and the Juſtices there make an Order thereupon, it is final, and cannot be alter'd by any After-Seſſions. *Crok. Car.* 350. And this was the Caſe of *Pridgeon*. *Vid. antea.* *Order final.*

2. The Order muſt be by Two Juſtices of the Peace, whereof one is of the *Quorum*. *Muſt be made by Two Juſtices, one to be of the* Quorum.

3. It muſt appear by the Order, that the Juſtices of Peace, making the Order, are the next Juſtices of Peace to the Pariſh-Church where the Child was born. *Stiles* 154. *And by the next Juſtices.*

4. A Return of an Order of Juſtices of the Peace for keeping a Baſtard-Child, removed hither by *Certiorari*, was read, and upon the Reading the Court was moved to quaſh the Order upon this Exception chiefly; for that the Order doth not direct how long the Party ſhall keep the Child, *Order muſt direct how long the Party ſhall keep the Child.*

as the Statute doth direct it ſhould; and it was quaſh'd. For the Payment muſt be made to continue ſo long as the Child ſhall be chargeable to the Pariſh; for the Party may take it, and keep it himſelf; and where the Mother is able, the Juſtices have nothing to do in the Caſe. *Stiles*'s *Rep.* 154. and *p.* 386.

Order to pay Three Shillings per Week, quaſhed.

Order was to pay Three Shillings *per* Week to keep a Baſtard; it was quaſh'd, the Party may keep it himſelf, if he will.

Order muſt be poſitive who is the reputed Father.

5. It muſt be poſitively declared and adjudged who is the reputed Father, and not to repeat what the Witneſſes ſay, or what the Mother ſaith, but the Order muſt be poſitive and abſolute; for it is a Judgment in the Caſe, and every Judgment muſt be poſitive and certain. Therefore in *Michael.* 24 *Car.* 1. the Court was moved to quaſh an Order of Seſſions made, that one ſhould keep his reputed Child, becauſe he had kept him heretofore; and it doth not ſhew either that it is his Baſtard, or his lawfully begotten Child; and it was quaſh'd. *Stiles*'s *Rep. p.* 154.

Order to pay a Weekly Sum, quaſh'd.

6. The Order was, that the Party ſhould pay a Weekly Sum for the Keeping

Keeping of the Child, and it was quaſh'd; for no ſuch Order could be made without the Party's Conſent: And by the Statute he is only compellable to ſecure the Pariſh where the Child was born, that it ſhould not be a Charge to the Pariſh. So *Stiles*'s *Rep.* 14.

7. If it doth not appear that the Juſtices had any Power to make any Order at all in the Caſe, as if it appears not where the Child was born, and ſo it may be born in another County, where the the Juſtices have nothing to do, it ſhall be quaſh'd. *Stiles*, p. 14. As an Order of Seſſions was made at *Arundel* in *Suſſex*, for paying ſo much Money Weekly to a Pariſh, towards the Keeping of a Baſtard-Child, was quaſh'd; becauſe it did not appear by the Order that the Child was born in that Pariſh to which the Money was awarded to be paid. *Stiles*'s *Rep.* 368.

It muſt appear by the Order where the Child was born.

8. By ſome, the Juſtices of Peace may adjudge a Reaſonable Sum in Groſs, to be paid to the Pariſh for the Charge of the Woman's Lying-in.

A Sum in Groſs to be paid to the Pariſh.

9. None elſe can be made chargeable to the Keeping of it but the

reputed Father or Mother, and the Maſter for ſuffering it to be got in his Houſe; but as to the laſt, for the Maſter, *Vide prius.*

Who may be made chargeable to keep it.

10. The Court was moved to quaſh an Order of a Private Seſſions of the Peace, that was removed hither by *Certiorari*; the Order was, That one ſhould contribute to half the Charge towards the Keeping of a Baſtard-Child, becauſe he did ſuffer a Soldier to get the Child upon the Body of his Maid-Servant: *Per Cur.* This is not within the Statute 18 *Eliz.* and therefore the Order was quaſh'd. Stiles's *Rep. p.* 207.

Order to contribute to half the Charge of keeping a Baſtard-Child.

11. An Order of the Publick Seſſions, made againſt one *Denton* for the Keeping of a Baſtard-Child, was removed into this Court by a *Certiorari*; and the Party alſo, who was committed to *Aliſbury* Gaol for diſobeying the Order, was brought into Court upon an *Habeas Corpus* granted to him; and upon the Reading of the Return of the *Habeas Corpus*, this Exception was taken to the Return, That it appears by the Return, that the Order, made for *Denton* to keep the Baſtard-Child, was made by the Juſtices at the Quarter-Seſſions; and that for

not

not obeying this Order he was committed to the Gaol by Two Juſtices at a Private Seſſions of the Peace: Whereas the Juſtices at the Quarter-Seſſions had no Authority by the Statute to make ſuch an Order; for it ought to have been made by the next Two Juſtices of Peace to the Place where the Baſtard was born. And to this, *Glyn*, Chief Juſtice, agreed, but would not releaſe the Priſoner till he was bound over with good Bail to the next Quarter-Seſſions for the County of *Buckingham*, to appear there, and to anſwer the Fact. *Stiles Rep. p.* 475. *Denton's* Caſe. But this Opinion ſeems not to be a Law; for by *Stat.* 3 *Car.* 1. *c.* 4. Juſtices in their Seſſions have Power originally to make Orders about Baſtard-Children. *Vide ſupra.*

Order by the Juſtices at the the Quarter-Seſſions to keep a Baſtard-Child.

Indictment for not performing an Order of Seſſions.

An Order was made by the Two next Juſtices; the Party appeal'd to the Seſſions, and they make an Order, that the Party ſhall abide the Order of the Two next Juſtices *de novo*; the Court held it well enough.

1 *Keb.*

1 *Keb.* 517. *The King againſt* Parſons.

Order void in Part, yet good for the Reſidue. Orders made by Three Juſtices of Peace, if they be void in Part, as againſt Law, yet they ſhall be good for the Reſidue. The Party gave Security to obey the Order of the next Seſſions: The Seſſions on confirming the Order, they alſo order that the reputed Father of the Party ſhall put in new Security, ſuch as, *&c.* This is idle and nugatory, there being no Appeal by the Party. 1 *Keb.* 534. *Syderfin. p.* 150. *The King againſt* Coſting. This muſt be underſtood when the Clauſes are diſtinct.

On Appeal, the Juſtices may order the *Feme* to the Houſe of Correction, or alter the the Maintenance, although nothing were made by the Firſt Juſtices. Order to keep the Child at ſo much *per* Week, or diſcharge the Pariſh: A good Order. 1 *Keb.* 570. *The King againſt* Terry.

Order was made for Keeping a Baſtard-Child, which was made on Appeal *ad Seſſionem pacis Weſtm.* not ſaying *General* or *Quarter-Seſſions* next; this was the Exception: But *per*

per Curiam, both Seſſions are ſhewed particularly, and ſo it appears to the Court none could be betwixt, and ſo *ad proximam Seſſionem* not neceſſary. *B. R.* 14 *Car.* 2.

Where ad Proximam Seſſionem not neceſſary in an Order.

The Juſtices which make Order for Baſtards have no Votes in Seſſions, they cannot be thought to be equal Judges. *Per Hyde, C. Juſtice.*

They which make the Order have no Vote in Seſſions.

Counſel excepted to an Order for a Baſtard-Child, being made by Two Juſtices, not ſaying one to be of the *Quorum*. *Sed non allocat.* 1 *Keb.* 782.

The Juſtices may by Order charge them with Weekly or Monthly Payments: If the Child be never chargeable to the Pariſh, the Juſtices have nothing to do with it; but when once the Pariſh is charged, they may make Order to pay Two Shillings and Six-pence *per* Week; and it ceaſeth by other Proviſion made for the Child, as Deſcent of Eſtate, *&c.* *Edgcot*'s Caſe, *cited in* Sharp's *Caſe.* 1 *Keb.* 782. The Order was to pay Three Shillings *per* Week till the Child be Eight Years Old; the Weekly Payment is good, and the other Time will not make it void. 2 Keb. 300. *The King againſt* Boniface.

Order for Weekly or Monthly Payment.

An

An Order of Two Juſtices of Peace of *Middleſex* was to *Hill*, to pay Eight Pounds to the Church-wardens to reimburſe the Extraordinary Charges they have been at, or were likely to be at hereafter: This was excepted to, but *per Cur.* it's well enough. And it ſhall be intended ſuch Charges as they were engaged in, as for Midwife, and other Neceſſities, as its taking the Perſon of the reputed Father, alſo for a Monthly Payment. But for the giving Security upon *Pridgeon*'s Caſe, they conceiv'd it was not good to abide ſuch further Order as they ſhould make, and the Court committed him till the Payment of Eight Pounds. 2 Keb. 179. *The King againſt* Hill.

Counſel moved to quaſh an Order for keeping a Baſtard-Child, being Two-pence *per* Week; but *per Cur.* the Juſtices at Seſſions having declared him the Father, and order'd ſo inconſiderable Maintenance, this Court may encreaſe the Sum, elſe the Order would be ineffectual. The Court agreed, they might confirm Part, and repeal Part, or the Sute may be now at Seſſions originally, but they cannot return any Order

The Sute may now be at Seſſions originally.

der to the Two next Juſtices to amend; but by Conſent here, the Parties were ſent down to the Two next Juſtices, and the Order quaſh'd. 2 Keb. 356. *The King againſt* Purchas.

Coſt is allowed upon a *Certiorari*, on Removal of an Order of a Baſtard-Child. 2 *Keb.* 500. *Hazelfoot*, as cited in the Caſe of *Cuffe* and *Monk*. *Coſts.*

Two Juſtices of Peace made an Order in Seſſion-time againſt one *R.* as reputed Father, for keeping a Baſtard-Child: *R.* appealed after the Order made by Two Juſtices to the ſame Seſſions, where the Juſtices made an Order that one *B.* ſhould keep it. *Jones* moved to ſet aſide this Order, becauſe he ſaid, the firſt Order being made in Seſſions-time, that Seſſions could not be ſaid to be the next within the Statute 18 *Eliz.* and becauſe the Juſtices at the Seſſions did not quaſh the Order made by Two Juſtices; *Keling*, they ought to have done that: *Twiſden*, they may vacate the firſt Order, and refer it back to Two Juſtices, as *Res integra*; the Parties were bound to appear at next Aſſizes for *Eſſex*.

Note,

How Order for the keeping a Baſtard-Child to be made.

Note, the Order was to pay Twelvepence *per* Week, till the Child came to be Twelve Years of Age; which by *Twiſden* was ill, for it ought to have been made ſo long as the Child continues chargeable to the Pariſh. I conceive he means the Order is ill for that Part, as to the Time of Twelve Years; *Vid. ſupra. Mod. Rep. p.* 20. 2 *Keb.* 575. *Burrell*'s Caſe.

Perſons Diſcharged not to be charg'd again.

The Two Juſtices Order *W.* to keep the Baſtard-Child, *W.* Appeals, and is at Seſſions diſcharged: and they refer it again to the ſame Juſtices, who find one *R.* the Father, who Appeals, and is at next Seſſions diſcharged, and *W.* charged again; it's ill. *Per Curiam*, both theſe Parties being diſcharged, the Child muſt lye on the Pariſh, unleſs new Perſons be found out; as *Pridgeon*'s Caſe was, and the Order againſt *W.* was quaſht. 21 & 22 *Car.* 2. *Hill.* B. R. *the King againſt* Windſor.

Order to reimburſe Charges.

Order was to reimburſe 40*s.* for the Midwife, and 4 *l.* for Nurſing; it was not made to reimburſe the Pariſh, but to reimburſe the Mother of the Baſtard. And, 2. It was to pay

pay 7*s.* a Week to the Mother as the Nurſe, till the Child be able to gain a Livelihood by working; both well enough *per Curiam*, and more certain than if it had been to a certain Age: But it was agreed, that the Charges precedent to the Order of the Juſtices, as for Nurſe or Midwife paid by the Friends of the Party, unleſs the Pariſh be chargeable therewith, is not good. 3 *Keb.* 23. *the King againſt* Sherman.

Order of Seſſions was excepted to, becauſe it appears not that the Child was born in the Pariſh where it's ſaid to be chargeable, *(viz.) H.* But becauſe the Child cannot be chargeable to any other Pariſh than where born, and doth not appear it was born in any other Pariſh, it's well enough; and tho' it be ſaid by the Two Juſtices of Peace next to the Pariſh, not next to the Pariſh-Church, yet *per Twiſden* and *Rainsfield* it's well enough, for that is all one by Intendment: And it was further excepted, That there is no Order to give Bond; and this Order being confirmed by the following Seſſions upon Appeal, there is now no Remedy on the Bond. *Sed non allocat.* For the

the Statute 4 *Car.* 1. that they ſhall commit the Party, unleſs he give Bond: And all latter Orders after the Confirmation on the Appeal, as to Affirmance or Diſallowance, muſt be quaſht, but not Orders to enforce Payment, they are good, and the Order firſt made was confirmed. 3 Keb. 383. *the King* adv. Jennings.

What Orders after Confirmation on the Appeal good or not.

CHAP.

CHAP. IX.

Of the Puniſhment of the Mother of a Baſtard-Child. Of the reputative Father and Mother of Baſtard-Children running away. If they leave an Eſtate, how to be imployed.

I Shall not ſpeak of the Puniſhment of the Mother or Reputative Father of the Baſtard-Child, it being my Deſign only to treat of the Relief of the Poor, *&c.* Only let me add, That over and above the Puniſhment in the Statute 18 *Eliz.* c. 3. *quod vide ſupra*, it is enacted in one Clauſe of 7 *Jac.* c. 4. about Houſes of Correction, *That every Lewd Woman which hath any Baſtard which may be chargeable to the Pariſh, the Juſtices of Peace ſhall commit ſuch Lewd Woman to the Houſe of Correction, there to be Puniſhed, and ſet on Work during the Term of One whole Year; and if ſhe ſhall eſtſoons offend again, then to be committed to the ſaid Houſe*

The Puniſhment of the Mother of a Baſtard-Child.

House of Correction as aforesaid, and there to remain until she can put in good Sureties for her good Behaviour, not to offend so again. This is not to be till after the Child is born, and she able again; and this must be done by Two Justices, which may be the same as are authorized by 18 *Eliz.* It's the common Practice to send the Child with the Mother.

As to further Discharging and saving Harmless the Parish from Charges of such Bastard Children, there is a Clause in Statute 14 *Car.* 2. c. 12. an Act, entituled, *For the better Relief of the Poor of this Kingdom.* viz. *Whereas the Putative Fathers and Lewd Mothers of Bastard-Children run away out of the Parish, and sometimes out of the County, and leave the said Bastard Children upon the Charge of the Parish where they are born, altho' such Putative Father and Mother have Estates sufficient to discharge such Parishes: It is enacted therefore, That it shall, and may be lawful for the Church-wardens and Overseers for the Poor of such Parish, where any Bastard-Child shall be born, to take and seize so much of the Goods and Chattels, and to receive so much of*

Putative Fathers and Mothers of Bastard-Children running away, how to be proceeded against where they leave Estates.

of the Annual Rents or Profits of ſuch Reputative Father, or Lewd Mother, as ſhall be ordered by any Two Juſtices of Peace as aforeſaid, for or towards the Diſcharge of the Pariſh, to be confirmed at the Seſſions, for the bringing up and providing of ſuch Baſtard-Child. And thereupon it ſhall be lawful for the Seſſions to make an Order, for the Church-wardens or Overſeers for the Poor of ſuch Pariſh to diſpoſe of the Goods by Sale or otherwiſe, or ſo much of them, for the Purpoſes aforeſaid, as the Court ſhall think fit; and to receive the Rents and Profits, or ſo much of them as ſhall be ordered by the Seſſions as aforeſaid, of his or her Lands. If any Perſon ſhall be ſued for any Matter or Thing which he ſhall do in Execution of this Act, he may plead the general Iſſue, and give the ſpecial Matter in Evidence; and if the Verdict paſs for the Defendant, or Plantiff be nonſuited, or diſcontinue his Suit, the Defendant ſhall recover treble Dammages.

Upon Suit to plead the general Iſſue.

CHAP.

CHAP. X.

Of Settlement by the Act of 14 Car. 2. *Of Diſturbance within Forty Days. Of Removal. Who are likely to be chargeable, or not. Of Security for ſaving the Pariſh harmleſs.*

BUT as to the Point of Settlement, ſome few of the former Reſolutions are altered by the Statute of

14 Car. 2. cap. 12.

Whereas by Reaſon of ſome Defects in the Law, poor People are not reſtrained from going from one Pariſh to another, and therefore do indeavour to ſettle themſelves in thoſe Pariſhes where there is the beſt Stock, the largeſt Commons or Waſtes to build Cottages, and the moſt Woods for them to burn and deſtroy, and when they have conſumed it, then to another Pariſh, and at laſt become Rogues

Rogues and Vagabonds, to the great Diſcouragement of Pariſhes to provide Stocks, where it is liable to be devoured by Strangers. Be it Enacted therefore, That it ſhall and may be lawful, upon Complaint made by the Church-wardens and Overſeers of the Poor of any Pariſh to any Juſtice of Peace, within Forty Days *after any ſuch Perſon or Perſons coming ſo to ſettle as aforeſaid, in any Tenement under the yearly Value of* Ten Pounds, *for any* Two *Juſtices of the Peace, whereof one to be of the* Quorum, *of the Diviſion where any Perſon or Perſons that are* likely to be *chargeable to the Pariſh ſhall come to inhabit, by their Warrant to remove ſuch Perſon or Perſons to ſuch Pariſh where he or they where laſt legally ſettled, either as a Native Houſholder, Sojourner, Apprentice or Servant, for the ſpace of* Forty Days *at the leaſt, unleſs he or they give ſufficient Security for the Diſcharge of the ſaid Pariſh, to be allowed by the ſaid Juſtices.*

Diſturbance muſt be within Forty Days.

Two Juſtices (one of the *Quorum*) to remove.

Forty Days without Diſturbance, a Settlement.

Provided that all ſuch Perſons who think themſelves aggrieved by any ſuch Judgment of the ſaid Two Juſtices, may Appeal to the Juſtices of the

Appeal to the *Quarter-Seſſions.*

the Peace of the ſaid County at their next Quarter-Seſſions, who are hereby required to do them Juſtice according to the Merits of their Cauſe.

Provided alſo, that (this Act notwithſtanding) it ſhall and may be lawful for any Perſon or Perſons to go into any County, Pariſh or Place, to work in Time of Harveſt, or at any Time to work at any other Work, ſo that he or they carry with him or them a Certificate from the Miniſter of the Pariſh, and one of the Church-wardens, and one of the Overſeers for the Poor for the ſame Year, that he or they have a Dwelling-Houſe, or a Place in which he or they inhabit, and hath left Wife and Children, or ſome of them there (or otherwiſe as the Conditions of the Perſons ſhall require, and is declared an Inhabitant or Inhabitants there). And if he and they ſhall not return to the Place aforeſaid when his or their Work is finiſhed, or ſhall fall ſick or impotent whilſt he or they are in the ſame Work, it ſhall not be accounted a Settlement in the Caſes aboveſaid, but that it ſhall and may be lawful for Two Juſtices of the Peace to convey the ſaid Perſon or Perſons to the Place

Harveſt Workmen excepted.

Place of his or their Habitation under the Penalties in this Act. And if such Persons shall refuse to go, or shall not remain in the Parish where they ought to be settled, any Two Justices of Peace where the Offence is committed may send them to the House of Correction. And if the Church-wardens and Overseers refuse to receive such Persons into the Parish where they shall be removed, any Justice of Peace of that Division may bind any such Officer or Officers to the Assizes or Sessions, there to be indicted for his Contempt.

Upon Suit to plead the general Issue.

If any Person shall be sued for any Matter or Thing, which he shall do in Execution of this Act, he may plead the general Issue, and give the special Matter in Evidence: And if the Verdict pass for him, or the Plaintiff be Nonsuit, or Discontinue, he shall recover treble Dammages.

Likely to be chargeable. A Man dwelling in *A*, and having a Family, purchaseth Lands *bonâ Fide* in *B*. under 10 *l. per Annum*, and comes to live in *B*. with his Family; it seems he is not removeable by this Act; for

he cannot be presumed as likely to become chargeable.

So one that removes, and hath a good Trade or considerable Stock, is not within these Words likely to become chargeable.

Within Forty Days after any such Person, &c.

Mr. *Keeling* prayed the Opinion of the Court, whether Complaint to a Justice of Peace within Forty Days be such a Disturbance, as may hinder the Settlement of the Poor that is not actually by him removed within the Forty Days. The Court conceived, if there be no Discontinuance in the Prosecution, the Complaint doth disturb the Settlement, but not a bare Complaint and Sleeping an Year after, but the Parish must prosecute; and if a Sessions intervene, it is a Default of Prosecution, and there must be a fresh Prosecution to remove, as well as complain. 2 *Keb.* 764, 769. *The King against* Warwick. *Vid. infra*, Statute, *Will.* and *Mary*.

The Justices make a Warrant within Time, but by Reason of Sickness

did not remove him till long after: And *per Cur.* here being an Order, tho' the Body were not removed, it's a Proſecution within 14 *Car.* 2. c. 12. 3 *Keb.* 673.

The Pariſhioners of St. *Leonard-Foſter-Lane* gave *David Burgh* (who had a Wife and Five Children) 5 *l.* in Money to remove into another Pariſh, upon Condition, That if he returned in Forty Days he ſhould repay the Money: He removed accordingly, and ſtay'd away by the ſpace of Forty Days: The Pariſh to which he removed obtain'd an Order upon an Appeal for his Settlement in the laſt Pariſh where he was lawfully an Inhabitant: Which Order being removed into *B. R.* and the Matter appearing thus upon *Affidavits*, they declared their Opinion only upon the Order to Remove, *viz.* That the Man had gained a Settlement in the Pariſh to which he removed, for he being an Inhabitant there for ſo long Time, as was then required by Law to make a Settlement, and not diſturbed by the Officers, they were remiſs in their Duty, and the Court would not help their Negligence. 3 *Mod. Rep.* 67.

Order at Seſſions, and confirmed by Judges of Aſſize, for ſettling of P. 7 Weeks as Servant of *B*, but his Dwelling moſtly and often at *H*, and ſometimes as an hired Servant at *B*, and it's not ſaid he was Forty Days there, but the greateſt Part of Seven Weeks. *Hales*; Bare Service or Journey-work is not ſufficient for Settlement; and what is Settlement or not, is meer Fact and Uncertain, and the Court referred it back to the Judge of *Aſſize*; and they conceived an Appeal may be hither, notwithſtanding the Judge of *Aſſize*'s Order, as on Baſtardy. 3 *Keb.* 464. *The King and* Brightwall.

Bare Service or Journey-work, no Settlement.

A Copyhold of 40 *s. per Annum* Value was left to *B*, a Poor Man, for Life: *Per Cur.* the Poor cannot be hindred to go to any Place where he hath an Eſtate of what Value ſoever. 3 *Keb.* 674. *Stanlode* and *Bampton.*

Simile, 10 *W.* 3. 1698. Upon an Order to remove a poor Fellow from *R.* to *H*, he having a Freehold of 4 *l. per Annum* at *H. Per* Chief Juſtice; Let a Man be ſettled where he will, we are all of Opinion, that Man may go and live where he has an Eſtate.

A Mo;

A Motion was to quaſh an Order made for the Maintenance of a Baſtard-Child, when as it was born in lawful Wedlock, and the Husband was at *Cales*.

Concerning the Maintenance of a Baſtard-Child born in Wedlock.

Exception, that it is ſaid, that the Father was not there when the Child was begot or born, in the Di-junctive, which is Ill, for he might be there at one of thoſe Times: And he muſt be abſent the whole Space of Time, both when the Child was begot, and when it was born.

Chief Juſtice; If the Child be not a Baſtard, the Order is *ipſo facto* void; 'tis out of their Juriſdiction, they muſt take Care that it be a Baſtard. But the Order muſt be quaſh'd for it muſt appear, that he was not here all the Space: If he was here either at the begetting or Birth of the Child, it is ſufficient. Let the reputed Father be bound over to appear here. *Alenſon verſ. Spence, Trin.* 10 *W.* 3.

Unleſs he or they give Security for the Diſcharge of the Pariſh. It was a Caſe in *Michael.* 14 *Car.* 2. *B. R. between Tavernour and Quatermaine.* Bond was given to ſave the Pariſh harmleſs from all

Charges that may happen, by placing *A.* in a Cottage. Defendant pleads, *Non Damnificatus:* Plaintiff replies, They were damnified by placing ſuch a Child in the ſaid Houſe; in being forced to provide Neceſſaries for him, by reaſon of a Rate ſet on the Inhabitants by the Major Part of the Juſtices and Overſeers. Defendant Demurrs, for not ſhewing any the particular Inhabitants were Taxed or Charged. *Per Cur.* its needleſs, for by the Rule made, the Poſſibility that they may be charged, is a ſufficient Damnification. It was alſo agreed, The Overſeers by 43 *Eliz.* may provide, and the Rate is to be ſet by them, and the Church-wardens afterwards, and confirmed by the Juſtices: And by ſome, the alledging *H.* became Poor, is a preſent Charge to the Pariſh, tho' no Rule be made; Quere of that, for till he becomes chargeable, I cannot ſee an Action can lie againſt the Security.

In Debt on Obligation, to ſave the Pariſh harmleſs of Nurſing a Baſtard, and *non Damnificatus* was pleaded by the Defendant; Plaintiff replyed, that the Child was ready to ſtarve, and the Pariſh laid out 4*s.* and ſo damni-

damnified: Defendant rejoins he was always ready to keep the Child, and offered to keep it, and had tendered to pay for it, and what was laid out was, *de injuria Propria.* Plaintiff demurrs, becauſe it was a Departure, and *per Curiam* it is ſo; it ſhould have been pleaded ſpecially in Bar, and this is a ſufficient Breach, tho' but ſmall: It ſhould have been pleaded thus, That *non fuit Damnificatus* till ſuch a Time, and that then you offered to take Care of the Child, and tendered, *&c.* Judgment *pro* Quere, *Mod. Rep. p.* 43. Richards *and* Hodges.

Note, By Statute 1 *Jac.* 2. c. 17. The Forty Days intended for a Settlement, ſhall be accounted from the Time ſuch Perſons coming into a Pariſh deliver Notice in Writing of their Houſes of Abode, and the Number of their Family, (if they have any) to one of the Churchwardens or Overſeers of the Poor of the ſaid Pariſh.

Revived as what relates to Settlements of the Poor, by 3 *&* 4 *W. & M.* Seſſions 3. *Cap.* 11. ſee *Chap.* 11.

Continued *per* 4 *&* 5 *W. & M.* Seſſ. 4. *Cap.* 24. *Sect.* 11.

Vide 3. *Mod. Rep.* 247. *Mich.* 3 *Jac.* in *B. R. Rex verſ. Inhabitantes de Malden:* Where upon this Statute, it was alledged, that being taxed to the Poor, would not amount to Notice; and the Council cited a ſtronger Caſe, which was, *viz.* That the Church-wardens of *Covent-Garden* certified under their Hands, that ſuch a Perſon was an Inhabitant within their Pariſh; but becauſe no Note was left with them purſuant to the Statute, notwithſtanding ſuch Certificate, he was held to be no Inhabitant within their Pariſh; and of that Opinion was all the Court. Yet this Caſe is otherwiſe reported by Sir *B. Shower*, *Rex verſ. Payn*, *Paſc.* 1 *W. & M.* and that coming in Publickly by taking a Houſe, and being rated in the Poors Rates, *&c.* was ſufficient Notice.

CHAP.

CHAP. XI.

NOW we are come to a Statute, whereby theſe Notices to be given, and being taxed, *&c.* are fully declared; which is that of 3 & 4 *W. & M. Cap.* 11.

By which, the Act made 13 & 14 *Car.* 2. *for the better Relief of the Poor*; (except what relates to the Corporations therein mentioned) which was revived and continued with Alterations, by an Act made in the firſt Year of the late King *James* the 2d, ſhall be in Force from the Firſt Day of *March* 1691.

It is alſo Enacted, That the Forty Days Continuance of a Perſon intended by the ſaid Act to make a Settlement, ſhall be accounted from the Publication of a Notice in Writing, which he or ſhe ſhall deliver of the Houſe of his or her Abode, and Number of his or her Family, to the Church-warden or the Overſeer of the Poor; which ſhall be read immediately after Divine Service, in the Church or Chapel of the Place, on the next

Notice.

Publication.

Lord's-day, when there ſhall be Divine Service in the ſame: The Church-warden or Overſeer to Regiſter ſuch Notice in the Book, kept for the Poor's Accounts.

Regiſter.

Soldier, &c.

No Soldier, or any other Perſon in her Majeſties Service, ſhall have Settlement by Delivery and Publication of Notice, as aforeſaid, unleſs they be diſmiſs'd the Service.

Forfeiture for Refuſal to read or regiſter the Notice given.

Church-wardens or Overſeers refuſing to read, or cauſe to be read, ſuch Notice, as aforeſaid, (upon Proof thereof by Two Witneſſes upon Oath before a Juſtice of Peace) ſhall forfeit 40*s.* to the Uſe of the Party grieved, to be levied by Diſtreſs, and Sale of Goods, by Warrant of a Juſtice of Peace to the Conſtable; and for want of a Diſtreſs, ſhall be committed to Gaol for a Month: And if any Church-warden, or Overſeer, ſhall neglect or refuſe to regiſter ſuch Notice as aforeſaid, they ſhall forfeit 40*s.* to be levied as aforeſaid; and for want of Diſtreſs, ſhall be committed as aforeſaid.

Perſons executing Offices, or paying Taxes.

If any Perſon coming to inhabit in any Town, or Pariſh, ſhall on his own Account execute any Publick Annual Office or Charge in the ſame

ſame during a Year; or pay his Share towards the Publick Taxes or Levies of ſuch Town, *&c.* he ſhall be adjudged to have a legal Settlement, without Notice in Writing delivered, *&c.*

If any unmarried Perſon, not having Child or Children, ſhall be lawfully hired for a Year; ſuch Service ſhall be deemed a good Settlement without Notice, *&c.* *Lawfully hired for a Year.*

Being bound Apprentice, and inhabiting in a Town or Pariſh, ſhall be adjudged a good Settlement. *Apprentice.*

Perſons aggrieved by the Determination of any Juſtices of the Peace, may appeal to the next Quarter-Seſſions, who ſhall finally determine the ſame. *Appeal.*

If any Perſon be removed by Vertue of this Act from one Place to another, by Warrant of Two Juſtices of the Peace, the Church-wardens or Overſeers of the Place to which he ſhall be removed ſhall receive him; and in Caſe of Refuſal, (upon Proof by Two Witneſſes, upon Oath before a Juſtice of Peace of the County, Riding, *&c.* to which he ſhall be removed) ſhall forfeit 5 *l.* to the Uſe of the Poor of the Pariſh from *Forfeiture of ſuch as refuſe Perſons removed by Vertue of this Act.*

from which he ſhall be removed; to be levied by Diſtreſs and Sale of Goods, *&c.* by Warrant of a Juſtice of Peace of the County, *&c.* to which he ſhall be removed, to the Conſtable of the Place where ſuch Offender dwells; and for want of a Diſtreſs, ſhall be committed to Gaol for Forty Days.

Appeal.

Perſons aggrieved by the Judgment of the ſaid Two Juſtices, may appeal to the next General Quarter-Seſſions of the Place, from which the ſaid Perſon was removed.

A Regiſter to be kept, to enter the Names of ſuch as receive Collections, &c.

There ſhall be kept in every Pariſh, at the Pariſh Charge, a Book or Books, wherein the Names of Perſons receiving Collections ſhall be regiſtred, with the Time when they are firſt admitted to have Relief, and the Occaſion of their Neceſſity: And Yearly in *Eaſter* Week, or oftner, the Pariſhioners ſhall meet and have ſuch Books produced before them, and the Perſons receiving Collections ſhall be called, and the Reaſons of their taking Relief examined, and a new Liſt be made and entred of ſuch as they ſhall think fit to allow to receive Collection; and no other ſhall be allowed to receive Collection, but by Authority under

under the Hand of a Juſtice of Peace reſiding in the Pariſh; and if there be none, in the Parts next adjoyning, or by Order of the Juſtices of Peace in their Quarter-Seſſions, except in Caſes of Peſtilential Diſeaſes, Plague or Small-pox, in reſpect of Families infected only.

And none other to be allowed, but by Order of Juſtice, except in Peſtilential Diſeaſes.

In all Actions to be brought in the Courts at *Weſtminſter*, or at the Aſſizes, for Moneys miſ-ſpent by the Church-wardens or Overſeers, the Evidence of the Pariſhioners (other than ſuch as receive Alms) of the Pariſh where the Defendants are Inhabitants, ſhall be taken and admitted.

Evidence of Pariſhioners.

It was moved to quaſh an Order of Seſſions, for that the only Ground of ſettling a Poor Perſon in the Pariſh, appears upon the Order to have been, for that the Banns of Matrimony of the Poor Perſon were publiſhed in the Pariſh-Church, which is ill; for that the Notice given the Pariſh, muſt not only be in Writing, but the other Ceremonies required by the Statute of 3 & 4 *W.* & *M.* muſt be obſerved. And that Act being an Explanatory Act, cannot be taken by Equity.

This Statute being Explanatory, cannot be taken by Equity, as by the publiſhing of Banns of Matrimony, &c.

Obſer-

Obſervations on this laſt Act of Settlement, made in Third *and* Fourth *Year of* William *and* Mary, *Cap.* 11.

This Act conſiſts of Three Parts.

1. Supplemental and Explanatory of the Laws, as to Settlements.

2. Directive, as to the Poor being entred into Pay and Relief, and who ſhall be ſo relieved, and how long.

3. Enabling the Pariſhioners to become Witneſſes in a Suit, for recovery of Money miſ-ſpent by Churchwardens and Overſeers.

Be it Enacted, That the Forty Days Continuance of ſuch Perſon in a Pariſh or Town, intended by the ſaid Acts to make a Settlement, &c. By the Statute of 14 *Car.* 2. *c.* 12. If Forty Days elapſed, without Complaint to a Juſtice of Peace, and Diſturbance, then it was a good Settlement: If the Diſturbance was within Forty Days, tho' Proſecution was not till after, it's no good Settlement, (*Vide prius.*) Now in Two Caſes, a Man by that Act ought not to have been diſturbed: 1. If he were not likely to be chargeable. 2. If he ſettled in any Tenement of the Yearly value of

10 *l.*

10*l.* Now I conceive the Act of *William* and *Mary* doth not reach either of theſe Caſes: The Words are *Forty Days Continuance, intended by thoſe Acts to make a Settlement.* Now by 14 *Car.* if a Man came to ſettle in a Tenement under 10*l. per Annum*, he might be diſturbed within Forty Days, if he were not, then it made a Settlement; but then if one took 10*l. per Annum*, he could not be diſturbed at all, and that I conceive to be a good Settlement, and there needs no publiſhing of Notice by this Act; for as thoſe Acts did not extend to 10*l. per Annum*, ſo neither doth this. The Intention of all the Acts is plain; if the Parties were ſuffered to inhabit Forty Days without Diſturbance, it's a ſign that the Pariſh was well pleaſed with their Continuance: But the Law of 14 *Car.* 2. was deficient, and did not anſwer the Ends; for many Perſons would come and perhaps firſt creep into a Pariſh, and after bring in their Children as Inmates or Sojourner, in ſome blind Corner or other, and by the Aid of ſome Relations and Friends, might ſculk without Diſturbance for Forty Days, and ſo ſteal a Settlement.

This

This Act hath clench'd the Nail in that Point. By it, the Forty Days ſhall be accompted from the Publication of Notice in Writing, *&c.* This is ſufficient Notice to a Pariſh, that ſo they may make Enquiry who they are, and what are their Circumſtances, that come to live amongſt them; if they find they are like to become Chargeable, they have the ſame Liberty of Diſturbance as before; but if the Church-warden and Overſeers do not complain within Forty Days after ſuch Notice, that makes a compleat Settlement.

The Removal muſt be as is appointed by the Statute, 14 *Car.* 2. by the Warrant of Two Juſtices of Peace, whereof one to be of the *Quorum.* And yet by an After-clauſe of this Act, it ſeems to be by the Warrant of any Juſtices of the Peace: For in the Clauſe of Receiving ſuch as ſhall be removed, it ſaith, If any Perſon be removed by Vertue of this Act, by Warrant, and the Hands and Seals of Two Juſtices, the Church-warden and Overſeers, *&c. Vid. Poſtea,* But this is of removal from one County to another. And by the ſaid Act of 14 *Car.* 2. Thoſe that give ſufficient Security

Security to ſave the Pariſh harmleſs, are not within this Act of *William* and *Mary*, but are become ſettled without any Publication of Notice.

If after Publication of this Notice there be a Diſturbance, Whither muſt ſuch Perſon be removed? To ſuch Pariſh where he was laſt legally ſettled, either as a Native, Houſeholder, Sojourner, Apprentice or Servant, for the ſpace of Forty Days at the leaſt; the Place of Settlement now muſt be the Place which was a legal Settlement before this Act commenced, and this appears by 14 *Car.* 2.

Now that which the Law has altered chiefly by this Act is, that bare Inhabitancy without Diſturbance ſhall not make a Settlement, as it was always heretofore; but Inhabitancy and Publication of Notice will, if no Diſturbance be for Forty Days after the Publication. As to other Points, the Laws concerning the Poor ſtand as they did.

What Sort of Perſons not within this Statute.

Now I conceive, Six Sorts of Perſons are not within this Act of *William* and *Mary*.

1. Thoſe that are not likely to become Chargeable, and this by the Con-

Conſtruction of 14 *Car.* 2. they need no Publication.

2. Such as ſhall give Security to ſave the Pariſh harmleſs, if they become Poor; yet their Settlement is legal, and their Security muſt be ſued.

3. Such as ſhall come into any Pariſh, and there for himſelf, and on his own Account, execute any Publick annual Office or Charge in the ſaid Town during one Year; as if he execute the Office of Bailiff, Conſtable, Overſeer, Scavenger, *&c.* but he muſt not be hired to do it for another.

4. Such as are charged with, and pay their Shares to the publick Taxes or Levies of the Town or Pariſh where he is, ſhall be deemed to have a Legal Settlement, tho' no ſuch Notice in Writing be publiſhed.

5. An unmarried Perſon not having Child or Children, being lawfully *hired* into any Pariſh or Town for one Year, that makes a good Settlement; tho' there be no Notice in Writing. Obſerve, It is *be hired* into any Pariſh, and ſaith not live there, ſo that the bare Hiring for one Year ſeems to be a Settlement, and ſo the Law was taken formerly. *Vide priùs.*

6. If

6. If *any Perſon ſhall be bound Apprentice* by Indentures, and inhabit any Town or Pariſh, ſuch Binding and Inhabitation ſhall be adjudged a good Settlement without ſuch Notice.

Firſt, It muſt be by Indenture, or elſe it's no Settlement: And then it muſt be Binding and Inhabitation; bare Binding is not enough, as it ſeems it is in the Caſe of Hiring.

As to Notice. We may ſee, *Notice.*

1. Of what Notice is to be made, and that is *of the Houſe of his or her Abode, and the Number of his or her Family, if he or ſhe have any.*

2. To whom it muſt be delivered, to the Church-warden or Overſeer of the Poor; to One ſufficeth.

3. How this Publication of Notice is to be made: 'It muſt be in 'Writing, and the Church-warden 'to cauſe it to be read pnblickly im- 'mediately after Divine Service, in 'the Pariſh-Church or Chapel of 'the ſaid Town, on the next Lord's- 'Day, when there ſhall be Divine 'Service for the ſame; and they are 'to regiſter the ſaid Notice in Wri- 'ting in the Poor's Account-Book.

We

We have conſidered, that Six Sorts of Perſons may have a legal Settlement, tho' there be no Notice of Publication.

In what Caſes Publication ſhall not make a Settlement.

Now there are ſome that ſhall not have a Settlement in a Town or Pariſh, tho' there be Delivery and Publication of ſuch Notice in Writing.

'No Soldier, Seaman, Shipwright, or other Artificer or Workman imployed in their Majeſties Service, ſhall have a Settlement by ſuch Publication, unleſs the ſame be after the Diſmiſſion of ſuch Perſon out of their Majeſties Service.

Theſe Perſons are ſent upon peculiar Publick Employs and Profeſſions, and act not properly as private Men, and therefore their Inhabitancy in ſuch a Caſe is not intended for a Settlement, no more than a Scholar at School, or at Univerſity; and as to that, the Law is as formerly, and Publication in ſuch Caſe ſhall not make a Settlement.

Penalty for not reading the Notice.

The Penalty for not cauſing the Notice in Writing to be read is plain, and how it is to be recovered; it's 40 *s.* for every Offence, upon Proof by Two Witneſſes before a Juſtice of Peace, to the Uſe of the Party

Party grieved; to be levied by Diſtreſs and Sale of the Offenders Goods, by Warrant under Seal of any one Juſtice in the Diviſion, to be directed to the Conſtable, and for want of Diſtreſs, Impriſonment for one Month.

The like Penalty for not Regiſtering the 40 *s.* Forfeiture, for this Neglect is to the Uſe of the Poor. *For not Regiſtering.*

Now if any Perſon ſhall find himſelf aggrieved by any Determination, which any Juſtice or Juſtices ſhall make in any the Caſes aboveſaid, the ſaid Perſon may appeal to the next General *Quarter-Seſſions*, who upon full Hearing ſhall have full Power to determine the ſame. *Appeal.*

So that as to the Caſes aboveſaid, no further Publication need to be made to the Judges of Aſſize. *Q. de hoc.*

We have ſeen how and in what Caſes Perſons may be removed; the next Clauſe is, How they are to be received, in caſe Removal be from one County to another. *Perſons to be received.*

'If any Perſon be remov'd by Ver-'tue of this Act, from one County, 'Riding, City, Town Corporate or 'Liberty, to another, by Warrant 'under

'under the Hands and Seals of Two 'Juſtices, the Church-wardens and 'Overſeers of the Poor of the Pariſh 'to which the Removal is, ſhall Re-'ceive the ſaid Perſon, and upon re-'fuſal to Receive, ſhall forfeit the 'Sum of 5 *l.* to the Uſe of the Poor 'of the Pariſh from which the Re-'moval was, to be levied by Diſtreſs 'and Sale of the Offender's Goods, 'by Warrant under Hand and Seal 'of any Juſtice of the Peace of the 'County, *&c.* to which ſuch Perſon 'was removed to the Conſtable of the 'Pariſh where ſuch Offender dwells: 'And for want of ſufficient Diſtreſs, 'to be by him committed to Priſon 'for Forty Days.

This is in Caſe of Removal from one County or Juriſdiction to another, for the Juſtices of Peace of one County cannot properly ſend their Warrants into another County, *&c.* therefore this Act impowers them to make ſuch Warrants.

But if any Perſon be aggriev'd with any ſuch Judgment of the Two Juſtices, he may appeal to the next General *Quarter-Seſſions* of the Peace to be held for the County, City, *&c.* from which the Party was ſo removed. The

Appeal.

The next general Part of this Act, of the Poor's being entered into Pay, and how long they ſhall continue ſo.

Who only ſhall receive Collection.

It's Enacted, That a Book ſhall be in every Pariſh, and in it ſhall be ſet down the Names of ſuch as receive Collection, with the Day and Year when they were firſt admitted to have Relief, and the Occaſion which brought them under that Neceſſity. And yearly in *Eaſter* Week the Pariſhioners ſhall meet, and all Perſons receiving Collections ſhall be called over, and a new Liſt made as they ſhall think fit to allow Collection to; and that no other Perſon ſhall have Collection, but by Authority under the Hand of one Juſtice in the Pariſh, or near adjacent, or by Order of Seſſions, except in Caſe of Plague or Small-pox.

The Laſt Part is, 'That upon Suit 'for Recovery of any Moneys miſ-'ſpent, or taken by Church-wardens 'or Overſeers, the Evidence of the 'Pariſhioner (except ſuch as re-'ceive Alms, or any Penſion out of 'ſuch Collections) ſhall be admitted 'in all Courts of Record at *Weſtmin-'ſter*, or at the Aſſizes.

Note,

Where a hired Servant muſt continue one Year.

Note, By the Statute 8 & 9 *Will.* 3. c. 30. it is Enacted, That no unmarried Perſon, not having Child or Children, lawfully hired into any Pariſh or Town for a Year, ſhall be deemed to have a good Settlement in ſuch a Pariſh, unleſs he continue in the ſame Service during one whole Year.

Upon a Certificate from a Pariſh, that one is an Inhabitant there legally ſettled.

And by the ſame Statute, If any Perſon, who ſhall come to any Pariſh or other Place to inhabit, ſhall at the ſame Time deliver to any of the Church-wardens or Overſeers of the Poor of the Place where he comes, a Certificate under the Hands and Seals of the Church-wardens or Overſeers of the Poor of any other Pariſh or Place, atteſted by Two or more Witneſſes, thereby owning the Perſon named in the ſaid Certificate to be an Inhabitant legally ſettled in that Pariſh or Place; ſuch a Certificate having been allowed or ſubſcribed by Two Juſtices of the Peace of the County, City or Borough, from whence it comes, ſhall oblige the ſaid Pariſh or Place to receive and provide for the Perſon mentioned in the Certificate with his Family as Inhabitants, whenever the Party ſhall happen

happen to become chargeable to the Place, to which ſuch Certificate was given; and then, and not before, it ſhall be lawful for ſuch Perſon and his Children (tho' born in that Pariſh) not having otherwiſe acquired a legal Settlement, to be removed to the Place from whence ſuch a Certificate was brought.

Such Pariſh ſhall be obliged to receive him back, when he ſhall become chargeable.

Now for the better explaining of this Clauſe about the Certificate, by Statute 9 & 10 *W.* 3. c. 11. it was Enacted, That ſuch Perſons as ſhall come into any Pariſh or Place to inhabit, ſhould at the ſame Time deliver to the Church-wardens or Overſeers of the Poor there, a Certificate, as by the Act is directed: But it is declared, That no Perſons that ſhall come into any Pariſh by any ſuch Certificate, ſhall be adjudged by any Act whatſoever, to have procured a legal Settlement in ſuch a Pariſh, unleſs ſuch Perſons ſhall *Bonâ fide* take a Leaſe of a Tenement of 10 *l. per Annum*, or ſhall be legally placed in, and execute ſome Annual Office in ſuch a Pariſh. *Vide* 3 *Mod. Rep.* 247, &c. That where, upon ſuch a Certificate from a Pariſh, he was held to be no Inhabitant within

A further Explanation about the Certificate.

A Certificate not allowed to Charge them.

their Pariſh, becauſe no Notice was left with them, purſuant to the Statute.

Appeals. By the aforeſaid Statute, 8 & 9 *W.* 3. the Appeal againſt an Order for Removal of any Poor Perſon, ſhall be had at the Quarter-Seſſions of the County, or Diviſion, wherein the Pariſh or Place from whence ſuch a Perſon ſhall be removed doth lie, and not elſewhere; but the Liberty of St. *Albans* is excepted out of this Act as to an Appeal.

Coſts and Charges upon an Appeal. Alſo Juſtices of Peace at their Quarter-Seſſions, upon any Appeal concerning the Settlement of any Poor Perſon, or upon Notice given of an Appeal, (tho' the Appeal be not afterwards Proſecuted) ſhall award to the Party for whom ſuch Appeal ſhall be determined, or to whom Notice had been given, ſuch Coſts and Charges as they ſhall think reaſonable: And if the Perſon ordered to pay ſuch Coſts ſhall live out of the Juriſdiction, any ſuch Juſtice of the Peace where ſuch Perſon ſhall inhabit, may and ſhall upon Requeſt, and upon a true Copy of the Order produced and proved upon Oath, cauſe the Money mentioned in ſuch Order, to be

to be levied by Diſtreſs, and in caſe no Goods can be found, to commit the Perſon to Priſon for Twenty Days. *To be levied by Diſtreſs, &c. Poor to wear a Pariſh Badge.*

And by this Statute, every Perſon that receives Relief, ſhall wear a Badge, a *Roman* (P) upon the Right Shoulder of their upper Garment. The Perſon refuſing or neglecting to wear ſuch a Badge, to have the Relief withdrawn: And that if any Church-warden or Overſeer of the Poor ſhall relieve any ſuch Poor Perſon not wearing ſuch a Badge, ſhall forfeit 20 *s.* for every Offence.

Where the Juſtices of Peace ſaid in their Order, That they were credibly inform'd that ſuch a Place was the laſt legal Settlement; ſaid to be ill, for they ought to have averr'd it expreſly, for otherwiſe they don't purſue the Statute, which ſaith, That the Party muſt be removed to the laſt Place of legal Settlement. *The Order of the Juſtices of Peace, for Removal, ought to be certain.*

It was alledged on the other Side, That (credibly inform'd) doth ſuppoſe that it might be upon Oath or otherwiſe. Ch. Juſtice; We will intend nothing but what appears in the Order itſelf. *Hill* 8. *W.* 3. Pariſh of *Sawbridges*'s Caſe.

Exception that the Poor Man did not Rent 10 l. per Annum.

An Exception was taken to an Order for ſettling a Poor Man that he did not rent an Houſe of 10 *l. per Annum.* Ch. Juſtice; That moſt of the Orders ſince 13 *Car.* 2. have been ſo; and though it might have been better, if it had been added, That he was likely to become chargeable to the Pariſh; yet ſince the Precedents have been ſo, we will not alter it.

That no complaint was made by the Church-wardens.

But then another Exception was, That 'tis not ſaid in the Order, there was a Complaint made by the Church-wardens. It is fatal, for the Juſtices of Peace cannot remove a Man without it: And though it is ſaid here, that Complaint was made; yet ſince it is not ſaid by the Inhabitants or Church-wardens of the Pariſh, it is ill. Let the Order be quaſh'd, *Mich.* 7. *W.* 3. in *B. R. Rex adv. Inhabit. de Marlborow.*

CHAP.

CHAP. XII.

Of Rogues and Vagrants. Who ſhall be accounted ſuch. Of their Puniſhment, Settlement, and ſeveral Caſes and Reſolutions thereupon.

BY Statute 39 *Eliz.* c. 4. whereby the former Laws concerning Vagabonds or Rogues, and Houſes of Correction are repealed. *All Perſons calling themſelves Scholars going about begging; All Seafaring Men pretending Loſſes of their Ships or Goods on the Sea, going about the Country begging; all Idle Perſons going about in any Country, either begging, or uſing any ſubtil Craft, or unlawful Games or Plays, or fancying themſelves to have Knowledge in Phyſiognomy, Palmeſtry, or other like crafty Science, or pretending that they can tell Deſtinies, Fortunes, or ſuch other like Phantaſtical Imaginations; All Perſons that be, or utter themſelves to be Proctors, Procurers, Patent-gatherers, or Collectors for*

Who ſhall be accounted Rogues, Vagabonds, and ſturdy Beggars.

Gaols, Priſons or Hoſpitals; All Fencers, Bearwards, common Players of Enterludes, [other than thoſe belonging to any Baron of this Realm, or any other Honourable Perſonage of greater Degree, to be authorized to Play under the Hand and Seal of Arms of ſuch Baron or Perſonage;] All Jugglers, Tinkers, Pedlars, and petty Chapmen, wandring abroad, All wandring Perſons, and common Labourers, being Perſons able in Body, uſing Loitering, and refuſing to work for ſuch reaſonable Wages as is taxed, or commonly given in ſuch Parts, where ſuch Perſons do or ſhall happen to dwell or abide, not having living otherwiſe to maintain themſelves; All Perſons delivered out of Gaols that beg for their Fees, or otherwiſe do travel begging; All ſuch Perſons as ſhall wander abroad begging, pretending Loſſes by Fire, or otherwiſe; and All ſuch Perſons not being Felons, wandring and pretending themſelves to be Egyptians, *or wandring in the Habit, Form or Attire of Counterfeit* Egyptians, *ſhall be taken, adjudged, and deemed Rogues, Vagabonds, and ſturdy Beggars.*

Note,

Note, by Statute of 1 *Jac.* c. 7. it's Enacted, *That no Authority to be given or made by any Baron of this Realm, or any other Honourable Perſonage of greater Degree, unto any other Perſon or Perſons, ſhall be available to free or diſcharge the ſaid Perſons, or any of them, from the Pains or Puniſhment of the ſaid Statute.* And in the ſaid Statute 1 *Jac.* c. 7. it is Enacted, That all Perſon and Perſons as *ſhall wander up and down the Country to ſell Glaſſes, ſhall be adjudged, deemed and taken as Rogues and Vagabonds.*

The Word *Rogue* comes from the *Hebrew* רוץ *Roage*, or becauſe *oſtiatim Rogat.* which is all one; for I queſtion not but the *Latin*, as well as *Engliſh* Word, *Rogo* and Rogue, comes from the *Hebrew* Original, as it is in many others. *Mendicus quaſi Manu dicens*, (ſpeaking with the Hand,) *mos enim erat apud Antiquos Egenum ſilentio Manum extendere*; a Silent, and oftentimes a moſt ſucceſsful Way of Begging. *Derivation of Rogue.*

But a Rogue in our Law ſignifies an Idle Beggar, that wanders from Place to Place without lawful Paſsport; and yet Vagabond ſignifies, any

who wandereth about idly and loitering; and is a Rogue, tho' he beggeth not, *vide infra.*

Now the Perſons which are accounted Rogues in our Law, and ſhall be puniſhed as ſuch, are theſe, if they be above the Age of Seven Years.

1. All Perſons above the Age of Seven Years going about begging, upon any Pretence or Colour whatſoever, *i. e.* out of their own Pariſh, though they be Licenſed by any Subject, except in the Caſes hereafter mentioned.

2. Fortune-Tellers, Jugglers, Wandring Gameſters.

3. Proctors, Patent-gatherers, or Collectors for Gaols, Priſons, *&c.* wandring Abroad.

4. Fencers, Bearwards, common Players of Enterludes (1 *Jac.* 7.) wandring, 21 *Jac.* c. 28.

5. All Pedlars, Petty-Chapmen, Tinkers and Glaſs-men, *per Statute* 21 *Jac.* 28. wandring Abroad, eſpecially if they be unknown, or have not a ſufficient Teſtimonial. And though a Man have a certain Habitation, yet if he goes about from Place to Place ſelling Small-wares, he is puniſhable by the 39 *Eliz.* and that

that altho' he be not taken wandering: For it is the wandring itſelf, and not the being apprehended wandring, that brings him within the Puniſhment of that Statute. *Rolls* 14. 2 *Rep.* 172. *King againſt* Hollingſworth.

6. Wandring Perſons, and common Labourers, and being able and refuſe to work for reaſonable Wages. But if they wander not Abroad, they are not to be ſent to their Place of Birth or laſt Dwelling, but to the Houſe of Correction.

7. Poor Perſons appointed to ask Relief in the Pariſh where they dwell, by the Overſeers thereof: If they ſhall beg in the Highways, tho' in their own Pariſh, *Lamb.* 427. yet they are not to be ſent but to the Houſe of Correction.

8. All Perſons wandering, and pretending themſelves to be *Egyptians*.

9. Soldiers or Marriners that ſhall beg, (except as *infra*,) or ſhall counterfeit any Certificate from their General, Captain, Admiral, *&c.* And in many Caſes they are Felons.

10. Poor, Diſeaſed or Impotent Perſons that travel to the *Bath*, (tho'

they are Licenſed,) yet if they beg; or if they are not Licenſed by Two Juſtices, or ſhall not return again according as they are limited by the ſaid Licence; ſhall be puniſhed as Rogues, 39 *Eliz.* 4.

11. A Rogue that hath a Teſtimonial, if through his or her Default they do not purſue the Order appointed by the ſaid Teſtimonial, they are *Toties quoties* to be whipt as Rogues.

12. A Rogue that ſhall carry his own Paſſport without a Guide, for they are to be ſent, *i. e.* conveyed, from Pariſh to Pariſh. *Reſol.* 11.

13. Servants departing out of Service, (*i. e.* forth of one City, Town, Pariſh, Hundred or County, into another) without a Teſtimonial, *&c.* or which ſhall be taken with any forged Teſtimonial, ſhall be whipped as Vagabonds, 5 *Eliz.* 4.

14. Perſons infected, or dwelling in any Houſe infected with the Plague, that contrary to the Command of any Officer ſhall go abroad and converſe, *&c.* 1 *Jac.* 11.

15. So all Perſons that run away from their Families, or threaten to run away, *vide de hoc plus infra.*

16. Any

16. Any that pretends Loſs by Fire, and wandering beggeth. *Lamb. p.* 443.

Having ſeen who are Rogues and Vagabonds, let us ſee how the Law diſpoſeth them as to Settlement.

The Uſage and Puniſhment of a Rogue.

In the ſaid Statute, 39 *Eliz.* c. 4. it is Enacted, *That every Perſon which is by this preſent Act declared to be a Rogue, Vagabond, or ſturdy Beggar, which ſhall be at any time taken begging, vagrant, wandring, or miſordering themſelves in any Part of this Realm, or the Dominions of* Wales, *ſhall upon their Apprehenſion, by the appointment of any Juſtice of Peace, Conſtable, Headborough, or Tything-man of the ſame County, Hundred, Pariſh or Tything, where ſuch Perſon ſhall be taken; the Tything-man or Headborough, being therein aſſiſted, with the Advice of the Miniſter, and one other of that Pariſh, ſhall be ſtripted naked from the Middle upward, and ſhall be openly whipped, till his or her Body be bloody; and ſhall be forthwith ſent from Pariſh to Pariſh, by the Officers of every the ſame, the next ſtraight-way to the Pariſh where he was born, if the ſame may be known by the Parties Confeſſion, or otherwiſe;*

Whither to be ſent.

and

and if the ſame be not known, then to the Pariſh where he or ſhe laſt dwelt before the ſame Puniſhment, by the ſpace of One whole Year, there to put him or herſelf to labour, as a true Subject ought to do; or not being known where he or ſhe was born, or laſt dwelt, then to the Pariſh through which he or ſhe laſt paſſed without Puniſhment: After which Whipping, the ſame Perſon ſhall have a Teſtimonial ſubſcribed, with the Hand and Seal of the ſame Juſtice of Peace, Conſtable, Headborough, or Tythingman, and of the Miniſter of the ſame Pariſh, or of any Two of them, teſtifying, That the ſame Perſon hath been puniſhed according to this Act; and mentioning the Day and Place of his or her Puniſhment, and the Place whereunto ſuch Perſon is limited to go, and by what Time the ſaid Perſon is limited to paſs thither at his Peril: And if the ſaid Perſon through his or her Default do not accompliſh the Order appointed by the ſaid Teſtimonial, then to be eſtſoons taken and whipped; and ſo as often as any Default ſhall be found in him or her, contrary to the Form of this Statute, in every Place to be whipped, till

ſuch

ſuch Perſon be repaired to the Place limited. The Subſtance of which Teſtimonial ſhall be regiſtred by the Miniſter of that Pariſh, in a Book to be provided for that Purpoſe, upon pain to forfeit 5 s. *for every Default thereof; and the Party whipped, and not known where he or ſhe was born, or laſt dwelt by the ſpace of an Year, ſhall by the Officer of the ſaid Village, where he or ſhe ſo laſt paſt through without Puniſhment, be conveyed to the Houſe of Correction*, &c.

Conveyed to the Houſe of Correction.

2 *Bulſt. p.* 357. Rogues are not to be ſent to the Houſe of Correction, (except in the Caſe above-mentioned) but by Paſſes to the Place of their Birth. And although it ſhall appear a Perſon was an Inhabitant a long while in another Pariſh, and there became Impotent by any Miſchance in Labour, and then beg; yet he ſhall be ſent to the Place of his Birth, as it was reſolved by Sir *William Jones* at Worceſter Lent *Aſſizes*, 14 *Car.* 1. *in* Chappel's *Caſe*.

An Inhabitant in one Pariſh removes to another, and becomes a wandring Beggar, he is to be ſent to his Place of Birth.

Note,

Note, Rogues may not be ſent by a general Paſſport, but from Pariſh to Pariſh.

If a Man and his Wife be Roguing, and they have an Houſe in another Pariſh, it's ſaid they may be ſent thither: *Quere*, for it muſt be then, after they be ſent to the Place of their Birth.

By *Holt*, Cheif Juſtice, *Trin.* 8. *W.* 3: *Rex verſ. Inhabit. Luckenden.* The Statute of Vagrancy is the 29 *Eliz.* by which the Vagrant is to be ſent to the Place of his Birth, if known, or elſe to the Pariſh where he was laſt ſettled. Now if a Vagrant is removed by the Juſtices to the Place he was born, whether they can't ſend him from thence to the Place he was laſt ſettled ſince his Birth? And I think they may do it by the Statute 1 *Jac.* 1. c. 7. (though not before,) though I believe the Juſtices don't practiſe it ſo. *Adjornat.*

Whether a Vagrant may be ſent from the Place of his Birth, to the Place he was laſt ſettled.

Note, No Child under the Age of Seven Years ſhall be adjudged a Rogue within the Statute 39 *Eliz.* c. 4. But ſuch Children being Vagrant, muſt be ſent to, and placed with

with the Father; and if he be dead, then with the Mother where ſhe was born, or laſt dwelt by the ſpace of One Year; and ſuch Children once thus ſettled or placed, muſt there remain, and not be ſent thence to the Place of their Birth: Altho' after the Parents die, or run away, or that the ſaid Children grow above Seven Years of Age.

Where wandring Beggars to be ſent.

One *D. Clavely* with a Child under Seven Years of Age, wandred to the Village of *Arley*, in *Com. Wig.* and there deſired a Warrant to be conveyed to *E.* in *Com. Staff.* where ſhe had ſome Friends, and where the Child was born; upon this, the Conſtable of *Arley* made her a Paſs to convey her to *E.* and delivered her to the Conſtable of *R.* and he to *B.* where the Mother died. The Queſtion was at *Stafford Aſſizes*, Where the Child ſhould be ſent; Whither the Pariſh where the Mother died, or the Pariſh were the Child was born? *Per* Sir *William Jones*, and Sir *James Whitlock*, they were ordered to be ſent to the ſeveral Pariſhes where they were born, and ſo they were ſent: For a Child under Seven Years of Age ſhall not be a Vagabond, 2 *Bulſt.* 351. *Eliz.*

Where the Children of wandring Beggars to be ſettled.

Eliz. B. being a Wanderer, with Three Children born in Three ſeveral Pariſhes, came with them to *D.* in *Com. Wig.* to her Siſter, where ſhe died, the Three Children being there left. *Per Jones* and *Whitlock*, the Children ought to be kept and provided for by the ſeveral Pariſhes where they were born, and not in the Pariſh where the Mother died *in Tranſitu*. 2 *Bulſt.* 351. And accordingly an Order was made and ſigned by them, and the ſame delivered to the Clerk of Aſſizes, to deliver the ſame to the Parties.

Where a Rogue's Birth or laſt Abode cannot be known, what is to be done?

The Rogue whoſe laſt Place of Birth, or laſt Dwelling cannot be known, having Wife, and Children under Seven Years of Age, they muſt be ſent with the Husband to the Place where they were laſt wilfully ſuffered to paſs without Puniſhment; where the Children muſt be relieved by the Work of the Parents, though the Parents be committed to the Houſe of Correction.

A Rogue is taken at *D.* and will not confeſs the Place of his Birth; but he confeſſeth his laſt Dwelling was at *S.* whereupon he is whipped and ſent to *S.* and coming to *S.* his Place

Place of Birth was learnt to be at *W.* In this Caſe, the Rogue is to be ſent to the Place of his Birth, without any new Vagrancy: For his ſettling at *S.* was no legal Settling. *Reſol.* 27.

Wife Vagrant.

The Wife being a Vagrant Rogue, muſt be ſent to her Husband, tho' he be but a Servant in another Town. *Reſol.* 3.

If the Husband or Wife have an Houſe, (though as an Inmate) and either of them Rogue about, they are to be ſent to the Town where that Houſe is. *Reſol.* 5.

What Perſons to be ſent to their Place of Birth only.

No Man is to be put out of the Town where he dwelleth, nor to be ſent to his Place of Birth or Habitation, but only a Vagrant Rogue, ſuch as wander abroad in the Country, and not ſuch as are vagrant, and beg in the ſame Town where they dwell. *Reſol.* 6.

CHAP.

CHAP. XIII.

Of Houſes of Correction. Who to be ſent thither. Of the Governours. Of general Privy-Search. The Governours Accounts. Of the Statute 39 Eliz. *Commiſſion under the Great Seal of* England, *to enquire of what Moneys have been given toward erecting of Houſes of Correction or Stocks.*

Orders for the Erection and Maintenance of Houſes of Correction.

BY the Statute of 39 *Eliz.* c. 4. *It is Enacted, That it ſhall and may be lawful to and for the Juſtices of the Peace of any County or City in this Realm, or the Dominion of* Wales, *aſſembled at any* Quarter-Seſſions *of the Peace within the ſame County, City, Borough or Town Corporate, or the Major Part of them, to make and ſet down Orders to erect, and to cauſe to be erected, one or more Houſes of Correction within their ſeveral Counties or Cities, for the doing and performing whereof, and for the providing*

providing of Stocks of Money, and all other Things neceſſary for the ſame, and for raiſing and governing of the ſame, and for the Correction and Puniſhment of Offenders thither to be committed, ſuch Orders as the ſaid Juſtices, or the Major Part of them ſhall from Time to Time take, reform, or ſet down in any their ſaid Quarter-Seſſions *in that behalf, ſhall be of Force, and be duly performed, and put in Execution.*

This Part of the Act is made Perpetual.

Obſerve, Theſe Houſes of Correction are called Work-houſes.

The next Branch is, That an Houſe of Correction ſhall be provided in every Shire to ſet Idle Perſons to work: But becauſe it's more fully mentioned in 7 *Jac.* c. 4. I ſhall recite the Second Branch of that Statute.

And be it farther Enacted and Eſtabliſhed by the Authority aforeſaid, That before the Feaſt of St. Michael *the Archangel, which ſhall be in the Year of our Lord God* 1611, *there ſhall*

There ſhall be an Houſe of Correction provided in every Shire, to ſet Idle Perſons to work.

ſhall be erected, built, or otherwiſe provided within every County of this Realm of England *and* Wales, *where there is not one Houſe of Correction already built, purchaſed, provided or continued, one or more fit or convenient Houſe or Houſes of Correction, with convenient Backſide thereto adjoining, together with Mills, Turns, Cards, and ſuch like neceſſary Implements to ſet the ſaid Rogues, or other idle Perſons at work. The ſame Houſes to be built, erected or provided, in ſome convenient Place or Town in every County; which Houſes ſhall be purchaſed, conveyed or aſſured unto ſuch Perſon or Perſons, as by the Juſtices of Peace, or the Major Part of them, in their* Quarter-Seſſions *of the Peace, to be holden within every County of this Realm of* England *and* Wales, *upon Truſt, to the intent the ſame ſhall be uſed or employed for the keeping, correcting, and ſetting to work of the ſaid Rogues, Vagabonds or Sturdy Beggars, and other Idle and Diſorderly Perſons.*

Note, This Clauſe being in the Affirmative, taketh not away the Perpetuity of the Act of the 39th *Eliz.*

So

So that Juſtices of the Peace in Cities and Corporations, may erect Houſes of Correction within their Precincts.

You may ſee, the Uſe of theſe Houſes of Correction is Twofold: 1. To correct and ſet to work Rogues and Vagrants. 2. To ſet to work idle and diſorderly Perſons, which are not Rogues within the Statute: As for Rogues being corrected, *vid.* Cap. Rogues, *ut ſupra*, *Which Houſes ſhall be purchaſed, conveyed or aſſured:* This may be done by Authority of the Act, without Licence or Offence of any former Law, and this may be incorporated by the Statute 39 *Eliz.* cap. 5. *Coke*, 2 Inſtit. p. 730. *The Uſes of the Houſes of Correction.*

The ſaid Rogues, Vagabonds or Sturdy Beggars, and other Idle and Diſorderly Perſons. Amongſt the Reſolutions of the Judges, it was reſolved, That ſuch Perſons as be of any Pariſh, and have able Bodies to work, and be no Wanderers abroad out of any Pariſh, tho' they refuſe to work at ſuch Wages as are taxed (or commonly given) in thoſe Parts, are notwithſtanding not to be ſent to their Place of Birth, or laſt Dwelling by *Thoſe who are able to work, but refuſe, and yet not Rogues, whither to be ſent.*

by the ſpace of an Year, but to the Houſe of Correction, upon Conſideration of both the Statutes of Poor and Rogues, 39 *Eliz.* But if they that have any lawful Means to live by, tho' they be of able Bodies and refuſe to work, yet are they not to be ſent to the Houſe of Correction. But by this Statute 7 *Jac.* enacted long after the ſaid Reſolutions, Tho' they have lawful Means to live by, yet if they be Idle and Diſorderly Perſons, the Juſtices of Peace may commit them to the Houſe of Correction; and their *Mittimus* to the Houſe of Correction may be more ſafely upon this Statute, *Quia otioſa & inordinata Perſona*, or *otioſa* or *inordinata Perſona*, than upon the Statute 39th *Eliz.* Coke 2. Inſtit. 730.

Idle Perſons, and yet able for Eſtates.

All ſingle Perſons under the Age of Thirty, being warned by Two Juſtices of the Peace, to put themſelves into Service by a Day preſcribed them; if they do not accordingly, but ſhall continue living out of Service, not having viſible Means of their own to maintain them, they are to be ſent to the Houſe of Correction, or bound over, *&c.* Dalt. 150. *Co. Lit.* 17.

The

The next Branch is, the Penalty of 5 *l.* to be laid upon every Juſtice of Peace within the County, that if the Houſe of Correction be not provided before the Feaſt of St. *Michael* the Archangel, 1611.

The Fourth Branch is, *And be it further Enacted by the Authority aforeſaid, That the Juſtices of Peace of every County within the Realm of* England *and* Wales, *at their* Quarter-Seſſions *of the Peace to be holden for their ſeveral Counties, (next after the providing, erecting, or building of the ſaid Houſe or Houſes, and ſo from Time to Time,) or the moſt Part of them, ſhall elect, nominate and appoint, at their Will and Pleaſure, one or more honeſt fit Perſon or Perſons to be Governour, or Maſter of the ſaid Houſe or Houſes ſo to be purchaſed, erected, built or provided: Which Perſon or Perſons ſo choſen by Vertue of this preſent Act, ſhall have Power and Authority to ſet ſuch Rogues, Vagabonds, Idle and Diſorderly Perſons, as ſhall be brought or ſent unto the ſaid Houſe to work and labour (being able) from Time to Time,*

A Governour ſhall be appointed of every Houſe of Correction, and his Authority.

Time, for ſuch Time as they ſhall continue and be remaining in the ſaid Houſe of Correction, and to puniſh the ſaid Rogues, Vagabonds, Idle and Diſorderly Perſons, by putting Fetters or Gives upon them, and by moderate Whipping of them; and that the ſaid Rogues, Vagabonds, and Idle Perſons, during ſuch Time as they ſhall continue and remain in the ſaid Houſe of Correction, ſhall in no ſort be chargeable to the Country for any Allowance, either at their bringing in or going forth, or during the Time of their Abode there, but ſhall have ſuch and ſo much Allowance as they ſhall deſerve by their own Labour and Work.

Rogues ſhall not be chargeable to the Country.

Idle Perſons that are not Rogues.

The Maſter hath his Deſignation by the Juſtices; but his Authority to Puniſh and ſet at Work by the Parliament.

Note, The Maſter hath Power to puniſh idle and diſorderly Perſons, by Fettering or Whipping them, tho' they are not Rogues.

Theſe Rogues and idle diſorderly Perſons ſhall not be chargeable to the Country, but ſhall have ſuch Allowances as they ſhall deſerve by their

their own Labour and Work. Put Caſe, that ſuch Rogue or Idle Perſon fall ſick, common Charity will ſuppoſe he muſt have Relief, and in ſuch Caſe the Relief may well be out of the County Stock, or by a Recommendation of the Caſe by the Neighbouring Juſtices, to ſuch as are charitably diſpoſed.

Warrants for a general Privy Search ſhall be made in every Hundred, Village, Town, &c.

The Fifth Branch. *And be it further Enacted, That the ſaid Juſtices of the Peace of every County within every of their ſeveral Diviſions twice in every Year at the leaſt, and oftner if there be Occaſion, ſhall aſſemble and meet together for the better Execution of this Statute; and that ſome Four or Five Days before their Aſſembly and Meeting, the ſaid Juſtices, or the Major Part of them, ſhall by their Warrant command the Conſtable or Tything-Men of every Hundred, Town, Pariſh, Village and Hamlet within their ſaid ſeveral Diviſions, which ſhall be aſſiſted with ſufficient Men of the ſaid Places, to make a general Privy Search in one Night within their ſaid Hundreds, Towns Villages and Hamlets, for the finding out and apprehending of the ſaid*

Rogues, Vagabonds, wandring and idle Perſons, and that ſuch Rogues, Vagabonds, wandring and idle Perſons, as they ſhall then find and apprehend in the ſaid Search, ſhall by them be brought before the ſaid Juſtices at their ſaid Aſſembly or Meeting, there to be examined by their idle and wandring Life, there to be puniſhed, or otherwiſe by their Warrant to be ſent or conveyed unto the ſaid Houſe or Houſes of Correction, within the ſaid County appointed and prefixed, there to be delivered unto the Maſter or Governour of the ſaid Houſe, or to his Deputy or Aſſignee, to be ſet to Labour and Work; at which Days and Times of Aſſembly or Meeting ſo to be held by the ſaid Juſtices of Peace, the Conſtables and Tything-Men of every Hundred, Pariſh, Town, Village and Hamlet, ſhall then appear in every their ſeveral Diviſions, before the ſaid Juſtices of Peace, at the ſaid Aſſemblies or Meetings, and there ſhall give Account and Reckoning, upon Oath in Writing, and under the Hands of the Miniſter of every Pariſh, what Rogues, Vagabonds, and wandring and diſorderly Perſons they have apprehended, both

in

in the ſame Search, and alſo between ſuch Aſſemblies and Meetings, and how many have been by them puniſhed, or otherwiſe ſent unto the Houſes of Correction: Which if the ſaid Conſtables or Tything-Men ſhall neglect to perform, as alſo ſafely to convey all ſuch Rogues, with all other idle or diſorderly Perſons, at the Charge of the Hundred, as by the Juſtices of Peace Warrants ſhall be ſent unto the Houſes of Correction in the ſame County, that then they ſhall forfeit ſuch further Fines, Pains and Penalties, as by the ſaid Juſtices of Peace, or the moſt Part of them, ſhall be thought fit and convenient, not exceeding the Sum of Forty Shillings for every Offence.

In this Branch, The Juſtices within their ſeveral Diviſions Twice in every Year, and oftner if Occaſion be, ſhall Aſſemble and Meet together, *&c.*

Search to be in one Night, but they have no Power to break open Doors to ſearch.

Other idle or diſorderly Perſons. Vide Prius.

The Governors Allowance for his Pains and Maintenance.

The Sixth Branch, as it is abbreviated. The Governors of the Houſes of Correction ſhall have ſuch a Sum of Money yearly, as ſhall be thought meet by the more Part of the Juſtices of Peace within the ſaid County at the *Quarter-Seſſions* of the Peace, the ſame to be paid quarterly beforehand by the Treaſurers appointed by the Statute of 43 *Eliz. cap.* 2. the Governors giving Security for the Continuance and Performance of their ſaid Service. Which if the ſaid Treaſurer ſhall neglect or refuſe to perform, then the ſaid Maſter or Governor ſhall have Authority by this preſent Act to levy the ſame, or ſo much thereof as ſhall be unpaid, upon the ſaid Treaſurer's Account in ſuch Manner and Form as by the ſaid Statute they the ſaid Treaſurers are appointed and authorized, to levy the weekly Sum, or Payment being to them unpaid. And by that Statute, it is by Diſtreſs and Sale of Goods, rendring to the Party the Overplus.

The Seventh Branch is, Concerning committing of Lewd Women having

having Baſtards, *&c.* to the Houſe of Correction, which ſhall be explained in the Chapter of *Baſtards.*

The Eighth Branch is, Concerning committing of Perſons that do run away, or threaten to run away and leave their Families, *&c.* Which ſhall be explained under the Title of *Incorrigible Rogues.*

The Ninth Branch. *And becauſe there ſhall be the more Care by all ſuch Maſters of the Houſes of Correction, that when the Country hath been at Trouble and Charge to bring all ſuch diſorderly Perſons as aforeſaid to their ſafe Keeping, that then they ſhall perform their Duties in that behalf: It is therefore Enacted, That if they ſhall not every* Quarter-Seſſions *yield a true and lawful Account unto the Juſtices of Peace, of all ſuch Perſons as have been committed to their Cuſtody; or if the ſaid Perſons committed to their Cuſtody, or any of them, ſhall be troubleſome to the Country by going abroad, or otherwiſe ſhall eſcape away from the ſaid Houſe of Correction, before they ſhall be from thence lawfully deliver-*

The Governor ſhall give Account to the Juſtices of all Perſons committed to their Cuſtody.

ed; That then the ſaid Juſtices ſhall ſet down ſuch Fines and Penalties upon the ſaid Maſters, as the moſt Part of them in their Quarter-Seſſions *ſhall think fit and convenient, and all Fines and Penalties not herein before limitted ſhall be paid unto the Treaſurer, and accounted for by the Treaſurer aforeſaid. This Act is continued by* 3 Car. 1. 4.

Places to be paid.

By *Treaſurer*, they mean Treaſurer of the County Stock.

This needs no further Explanation.

By the Statute 39 *Eliz.* c. 4. it is Enacted, That the Lord Chancellor or Keeper of the Great Seal of *England* for the Time being, ſhall and may at all Times hereafter, without further Warrant, make and direct Commiſſion or Commiſſions under the Great Seal of *England* to any Perſon or Perſons, giving them, or ſome of them, thereby Authority, as well by the Oaths of good and lawful Men, as of Witneſſes, or Examination of Parties, or by any other lawful Ways or Means whatſoever, to enquire what Sums of Money or other Things have been or ſhall be

colle-

collected or gathered for or towards the Erection of any Houſes of Correction, or any Stocks, or other Things to ſet Poor on work, or for the Maintenance thereof at any Time after the 17th Day of *November*, in the 18th Year of Queen *Elizabeth*, and by whom the ſame were or ſhall be collected or gathered, and to whoſe Hands come, and to what Uſe, and by whoſe Direction the ſame was or ſhall be employed. And to call all and every ſuch Perſon and Perſons, and their Sureties, and every of their Executors or Adminiſtrators to an Account, and to compel them, and every of them, by Attachment of their Goods or Bodies, to appear before them for the ſame, and to hear and determine the ſame, and to levy ſuch Money and Things as they ſhall find not to have been duly employed upon the ſaid Houſes of Correction or Stocks, or upon other like Uſes, having in ſuch other like Uſes reſpect of Things paſt by the ſaid Commiſſioners to be allowed of, either by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſons as they ſhall think fit to be chargeable or anſwerable for the ſame, or by

Impriſonment of their Bodies at their Diſcretion, and that the ſaid Commiſſioners ſhall have full Power and Authority to execute the ſame Commiſſion, according to the Tenor and Purport thereof. And that all their Proceedings, Doings, Judgments and Executions by Force and Authority thereof, ſhall be, and remain good and available in the Law. Which ſaid Money ſo levied by the ſaid Commiſſioners, ſhall be delivered and employed for the Erecting and Maintenance of the ſame.

CHAP.

CHAP. XIV.

Of Incorrigible Rogues. Who ſhall be accounted ſuch, and their Puniſhment. Who are Offenders againſt the Statutes of Rogues, and their Penalties. The Reward of apprehending a Rogue, per *Statute* 14 *Car.* 2. c. 12.

IN the Eighth Branch of the Statute 7 *Jac.* c. 4. *And for that, many wilful People finding that they have Children, have ſome hope to have Relief from the Pariſh wherein they dwell; and being able to labour, and thereby to relieve themſelves and their Families, do nevertheleſs run away out of their Pariſhes, and leave their Families upon the Pariſh. For Remedy thereof, be it further Enacted, That all ſuch Perſons ſo running away, ſhall be taken and deemed to be Incorrigible Rogues, and endure the Pains of Incorrigible Rogues. And if either ſuch Man or Woman being able to*

Puniſhment of ſuch as run away, or threaten to run away and leave their Children to the Charge of the Pariſh.

to Work, and ſhall threaten to run away and leave their Families as aforeſaid, the ſame being proved by Two ſufficient Witneſſes upon Oath before Two Juſtices of Peace in that Diviſion, that then the ſaid Perſon ſo threatning, ſhall by the ſaid Juſtices of Peace be ſent to the Houſes of Correction, (unleſs he or ſhe can put in ſufficient Surety for the Diſcharge of the Pariſh) there to be dealt with and detained as a ſturdy wandering Rogue, and to be delivered at the ſaid Aſſembly or Meeting, or at the Quarter-Seſſions, and not otherwiſe.

This Branch conſiſteth upon Two Parts.

Such that run away.

1. If any Man or Woman having Children, being able to labour, and thereby to relieve their Families, do run away out of the Pariſhes, and leave the Families upon the Pariſhes, he or ſhe ſhall be deemed and taken to be an Incorrigible Rogue.

Such that threaten to run away.

2. If any ſuch Man or Woman being able to work, ſhall threaten to run away, and leave their Families as aforeſaid, the ſame being proved by Two ſufficient Witneſſes before Two Juſtices of Peace in that Diviſion,

ſion, he or ſhe ſhall be ſent to the Houſe of Correction as a ſturdy wandering Rogue, *&c.* unleſs ſufficient Surety be found for the Diſcharge of the Pariſh.

At the Meeting or Aſſembly: That is, the Meeting of the Juſtices Twice in every Year at leaſt, for the better Execution of this Statute; which is the Fifth Branch of it. *Et plus vid. in cap.* Houſes of Correction.

Note, Such Offenders as run away, ſhall be taken to be Incorrigible Rogues, and they are to be dealt withal by Two Juſtices of Peace.

They ſhall be puniſh'd as Incorrigible Rogues, *(viz.)* They ſhall be ſent by Two Juſtices of the Peace to the Houſe of Correction, or to the Gaol, there to remain till the next Quarter-Seſſions, and then he or ſhe ſhall be there Branded in the Left Shoulder with an Hot Iron, *&c. Quod vide infra.*

Note, All ſuch that threaten to run away, and ſhall be ſent to the Houſes of Correction as aforeſaid, upon their Delivery out of the Houſe of Correction, they are to be ſent to their

Whither to be ſent after they come out of the Houſe of Correction.

their Place of Dwelling if they have any, if not, then to the Place where they laſt dwelt by the ſpace of an Year.

Who ſhall be deemed and taken to be Incorrigible Rogues.

Who ſhall be ſaid to be Incorrigible Rogues.

They are ſuch as ſhall either appear to be dangerous to the inferior Sort of People; as ſhall offer any Violence, or uſe any Threatning Speeches towards People, *&c.*

Or ſuch as will not be reformed of their Roguiſh kind of Life.

If a Rogue affirmeth he was born in ſuch a Town in ſuch a County, and is ſent thither; if he were not born there in Truth, he ſhall be ſaid to be an Incorrigible Rogue. *Dalt.* p. 210.

So if it appear not where he was born; if he untruly affirm that he was laſt dwelling in ſuch a Town and County by the ſpace of an Year, and was not. *Dalt.* p. 210.

Puniſhment of ſuch that run away, and of ſuch that threaten to run away.

All Perſons able to Labour, that ſhall run away and leave their Families upon the Pariſh, ſhall be puniſh'd as Incorrigible Rogues. But they that threaten to run away, ſhall be proceeded againſt as wandering Rogues only. For the Act ſeems to make a Difference. *Quod vide ſupra.*

The

The Puniſhment of an Incorrigible Rogue, 39 Eliz. *c.* 4. 1 Jac. *c.* 7. I ſhall Abridge this Branch.

39 *Eliz.* cap. 4. Two Juſtices of the Peace (one of the *Quorum*) ſhall commit the Incorrigible Rogue to the Houſe of Correction, and if at the next Quarter-Seſſions by the Major part of the Juſtices he ſhall not be thought fit to be delivered, he ſhall by them be baniſhed, and at the Charge of the County ſhall be conveyed to ſuch Parts beyond the Seas, as ſhall by Six or more of the Privy-Council be aſſigned, whereof the Lord-Keeper or Lord-Treaſurer to be one, or ſent to the Gallies; and if a Rogue ſo baniſhed return without Licence, he ſhall ſuffer as a Felon, to be tryed in the County where he ſhall be apprehended. *Baniſhment.*

But by the Statute 1 *Jac.* c. 7. inſtead of Baniſhing an Incorrigible Rogue, or committing him to the Gallies, he ſhall in open Seſſions be branded on the Left Shoulder with a burning Iron, having a great Roman R upon it as broad as a Shilling, and from thence ſhall be ſent to his Place of laſt Abode, and if that *Branded.*

that cannot be known, to the Place of his Birth: After which Time, if he offend again, he ſhall ſuffer as a Felon, without Benefit of Clergy.

A Second Offence Felony.

39 *Eliz.* c. 4. *All ſuch Perſons as ſhall in any wiſe diſturb or hinder this Law, or any Part thereof, concerning the Puniſhment, or Conveying of Rogues, or the Relief or Settling of Poor Impotent People in any manner of wiſe; or making Reſcues againſt any Officer or Perſon authorized by this preſent Act; for the due Execution of any the Premiſſes, the ſame Perſon ſo offending, ſhall forfeit and loſe for every ſuch Offence the Sum of* 5 l. *and ſhall be bound to the good Behaviour.* And *per Dalton*, p. 210. Two Juſtices of the Peace may bind ſuch Offenders to the good Behaviour; and may alſo, by Warrant under their Hands and Seals, cauſe to be levied by Diſtreſs and Sale of the Offenders Goods the ſaid ſum of 5 *l.* upon the Confeſſion of the Offenders, or upon the Teſtimony of Two Witneſſes before the ſaid Juſtices of ſuch Offence.

Diſturbers of the Execution of the Laws againſt Rogues, how puniſhed.

How the Penalty to be levied.

Theſe

Theſe Perſons following are Offenders in this Law, and are Diſturbers of the Execution of this Law.

1. They that ſend Rogues by a general Paſſport, without conveying them from Pariſh to Pariſh.

2. If the Officer, (*viz.*) Conſtable, or Overſeer, will not receive a Rogue, to convey him to the Place where he was born or dwelt: This is a Forfeiture of 5 *l.*

3. So if the Conſtable ſhall not deliver him to the next Conſtable, (the next ſtraightway.)

And upon the Words, *or the Relief or Settling of Poor Impotent People in any Manner of wiſe*, which Mr. *Dalton* hath omitted. If an Officer ſhall refuſe an Impotent Perſon that is Poor, and no Rogue, he forfeits 5 *l.* by this Act.

39 *Eliz.* c. 4. 3d Branch. *If in any Town, Pariſh, or Village, the Conſtable, Headborough, or Tything-man, be negligent*, and do not his or their beſt Endeavours for the Apprehenſion of ſuch a Vagabond, Rogue, or ſturdy Beggar, which there ſhall be found contrary to the Form of this preſent

Forfeiture of the Officer in not executing his Office.

preſent Act, and to cauſe every of them to be puniſhed and conveyed according to the true Meaning of this preſent Act, ſuch Conſtable, *&c.* in whom ſuch Default ſhall be, ſhall loſe and forfeit for every ſuch Default 10 s. By the Statute 1 *Jac.* c. 7. its 20 *s.* &c. *vide ſupra.*

Forfeiture for any that ſhall not apprehend a Rogue.

By Statute 1 Jac. *c.* 7. *Every Perſon or Perſons ſhall apprehend, or cauſe to be apprehended, ſuch* Rogues, *Vagabonds, and ſturdy* Beggars, *as he or they ſhall ſee or know to reſort to their Houſes to beg, gather, or receive any Alms, and him or them ſhall carry, or cauſe to be carried to the next Conſtable or* Tything-man, *upon Pain to forfeit for every* Default 10 s. *to be levied and imployed in Manner and* Form, *and upon ſuch like Proof and Conviction, as Penalties and* Forfeitures *are to be levied and employed by the Statute* 39 Eliz. *And in Default of ſuch Levy, then to be levied and imployed by the* Lord *of the* Leet, *or his Officer, where ſuch Offence ſhall be committed, and in ſuch manner as the Perſon authorized by the ſaid Statute might or ſhould have levied or employed the ſame.*

And how to be levied and imployed.

Now

Now the Imployment and levying of the Forfeitures in the 39 *Eliz.* are:

Be it Enacted, *That all Fines and Forfeitures appointed, or to grow due by this preſent Act (except ſuch as are otherwiſe limited or appointed by this preſent Act) ſhall wholly go and be employed in the Uſe of the Reparations and Maintenance of the Houſes of Correction, and Stock and Store thereof, or Relief of the Poor where the Offence ſhall be committed, at the Diſcretion of the Juſtices of the Peace of the ſame Limit, City, Borough, or Town Corporate; and that all Fines and Forfeitures appointed, or to grow by Conviction of any Perſon according to this preſent Act, ſhall by Warrant under the Hands and Seals of any Two or more of the Juſtices of the Peace of the ſame County, City, Borough, or Town Corporate, be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, which Sale ſhall be good in the Law againſt ſuch Offender. And that if any of the ſaid Offences ſhall be confeſs'd by the Offender, or that the ſame ſhall be proved by Two ſufficient and lawful Witneſſes, before ſuch Two or more Juſtices of the Peace, that then every ſuch*

By Diſtreſs and Sale of Goods. What ſhall be a Conviction.

ſuch Perſon ſhall forthwith ſtand and be in the Law convicted thereof.

Other Offenders within theſe Acts are.

1. The Miniſter which ſhall not keep a Regiſter Book, and therein enter the Subſtance of every Teſtimonial made for the conveying of Rogues (puniſhed in his Pariſh,) ſhall forfeit for every Default 5 *s.*

2. The Conſtable which ſhall not do his beſt Endeavours for the apprehending, puniſhing, and conveying all Rogues which ſhall be found in his Pariſh, ſhall forfeit for every Default 10 *s.*

3. The Conſtable which ſhall not cauſe to be puniſhed, and to be conveyed according to the Statute of 39 *Eliz.* all ſuch Rogues as ſhall be brought or ſent to him by any of his Neighbours, ſhall forfeit for every ſuch Default 20 *s.*

4. Every Perſon relieving Vagrant Rogues, and not carrying them to the next Conſtable, ſhall forfeit 10 *s.* At *Cambridge Aſſizes*, Anno Dom. 1630. it was agreed by Sir *Nicholas Hide*, That if any Ale-houſe-keeper, or other Perſon, ſhall but lodge a Rogue,

Rogue, this is a relieving them, and contrary to the Statute 1 *Jac.* and is a Forfeiture of 10*s.* 2. That giving of Money by a Conſtable to a Rogue, is relieving of him contrary to this Statute, and is a forfeiture of 10*s.* Perſons that ſuffer Rogues to lodge in Barns, ought to be bound over to the Aſſizes and Seſſions; *Reſolv.* 21. it's a relieving within the Statute.

5. By 39 *Eliz.* c. 4. Every Perſon that ſhall willingly bring or convey in any Veſſel out of *Ireland*, or the *Iſle of Man*, into this Realm any Rogue, or any ſuch as ſhall be like to live by Begging, *&c.* ſhall forfeit for every ſuch Perſon 10*s.*

Fine by the Juſtices.

6. The Juſtices at their Meetings may aſſeſs reaſonable Fines, being not above 40*s.* upon ſuch Conſtables as ſhall not Appear and give Account according to Statute 7 *Jac.* 4. *Branch quodvide prius*, as alſo for conveying of Rogues, and other Idle and Diſorderly Perſons, ſent to the Houſes of Correction by their Warrants, which conveying to the Houſes of Correction ſhall be at the Charge of the Hundred, *per* Statute 7 *Jac.* c. 4.

7. *Per*

Fine the Governors that ſhall not yield a true Account of ſuch as are committed, or if they ſhall eſcape, &c.

7. *Per* Statute 7 *Jac.* c. 4. If the Maſters of the Houſes of Correction ſhall not every Quarter-Seſſions yield a true and lawful Account unto the Juſtices of Peace, of all ſuch Perſons as have been committed to their Cuſtody; or if the ſaid Perſon, or any of them, ſhall be troubleſome to the County, by going Abroad, or otherwiſe ſhall eſcape away from the Houſe of Correction before they ſhall be from thence lawfully delivered, they ſhall be fined at the Diſcretion of the Juſtices in their Quarter-Seſſions, and the Fines ſhall be paid into the Treaſurer, and accounted for by Bills.

By Statute 14 *Car.* 2. cap. 12. *For the Encouragement of ſuch Perſon and Perſons as ſhall apprehend Rogues, Vagabonds, and ſturdy Beggars, according to the Statutes made* 39 Eliz. and 1 Jac. *It is Enacted, That it ſhall and may be lawful to and for any Juſtice of the Peace, to whom any Rogues, Vagabonds, or ſturdy Beggars, ſo apprehended ſhall be brought, to reward any Perſon or Perſons that ſhall apprehend any Rogue, Vagabond, or ſturdy Beggar, by granting unto ſuch Perſon and*

and Perſons, an Order or Warrant under his Hand and Seal, to the Conſtable, Headborough, or Tything-man of ſuch Pariſh where ſuch Rogue, Vagabond, or ſturdy Beggar paſſed thorough unapprehended, requiring him to pay ſuch Perſon and Perſons the Sum of 2 s. *for every Rogue, Vagabond, or ſturdy Beggar which ſhall be ſo apprehended: And if ſuch Conſtable, &c. refuſe or neglect to pay the* 2 s *as aforeſaid, that then the ſaid Juſtice of Peace, or any other Juſtice or Juſtices of Peace, ſhall proceed againſt any ſuch Conſtable according to the ſaid Statutes of* 39 Eliz. *and* 1 Jac. *and to compel him to pay ſuch Sums of Money as he hath forfeited by the Statute of* 1 Jac. *and to allow out of the ſaid Forfeiture, the ſaid* 2 s. *and ſuch reaſonable Means and Allowance for Loſs of Time as they ſhall think fit, which Forfeiture by the Statute* 1 Jac. *is* 20 s.

The Reward for apprehending a Rogue 2 s. a Man.

Conſtable refuſing to pay the 2 s. how to be proceeded againſt.

And if any Perſon or Perſons ſhall apprehend any Rogue, Vagabond, or ſturdy Beggar, at the Confines of any County, which paſſed through any Pariſh of another County unapprehended, it ſhall be lawful for ſuch Perſon or Perſons to go to ſome Juſtice of Peace

Rogues and Vagabonds apprehended at the Confines of any County how to be dealt withal.

Peace of that County through which ſuch Rogue or Vagabond paſſed unapprehended; who is hereby required, (upon a Certificate under the Hand of ſome Juſtice of Peace of the County where ſuch Rogue or Vagabond was ſo apprehended, to grant his Order or Warrant under his Hand and Seal, requiring the ſaid Conſtable, Headborough or Tything-man, to pay unto ſuch Perſon or Perſons as aforeſaid the Sum of 2 s. *which if he ſhall refuſe or neglect to do, then ſuch Juſtice is hereby required to proceed againſt ſuch Conſtable, Headborough or Tythingman, and to cauſe him to pay* 10 s. *or ſomuch thereof for his Expences and Loſs of Time as the ſaid Juſtice of Peace ſhall think fit, to ſuch Perſon or Perſons, which he hath forfeited by the Statute made in the* 39*th of* Eliz.

And the 2 s. for apprehending ſuch a Rogue how to be paid.

By the ſame Statute of 14 *Car.* 2. *Whereas Conſtables, Headboroughs or Tythingmen, are or may be at great Charge in Relieving, Conveying with Paſſes, and in Carrying of Rogues and Vagabonds to Houſes of Correction or Work-houſes, and as yet have no Power by Law to make Rates to reimburſe them-*

Power to make Tax to reimburſe the Charges of conveying to the Houſe of Correction.

themſelves: It is Enacted, That all Conſtables, Headboroughs, and Tything-men, ſo out of Purſe as aforeſaid, together with the Church-wardens and Overſeers of the Poor, and other Inhabitants of the ſaid Pariſh, ſhall hereby have Power and Authority to make an indifferent Rate, and to tax all the Occupiers of Lands and Inhabitants, and all other Perſons chargeable by the Statute of the 43d of Eliz. *concerning the Office and Duty for the Overſeers of the Poor within the ſaid Pariſh; which Rate being confirmed under the Hands and Seals of any Two Juſtices of Peace as aforeſaid, the Conſtable, Headborough or Tything-man, ſhall have Power, by Warrant under the Hands and Seals of Two Juſtices of the Peace, to levy by Diſtreſs and Sale of the Goods of any Perſon and Perſons refuſing to pay the ſame, rendring the Overplus to the Owner, if any ſhall be.* See after in the Abridgment.

In the Act of 14 *Car.* 2. there is a *Proviſo*, That it ſhall and may be lawful for the Juſtices of Peace in any of the Counties of *England* and *Wales*, in their *Quarter-Seſſions* aſſembled,

Power of Tranſportation of Incorrigible Rogues.

ſembled, or the Major Part of them, to tranſport, or cauſe to be tranſported, ſuch Rogues, Vagabonds and Sturdy Beggars, as ſhall be duly convicted and adjudged to be Incorrigible, to any of the *Engliſh* Plantations beyond Seas. Q. And at whoſe Charge?

Certainly this is the beſt Way of Puniſhment, next to Preſſing them for Sea or Land Service.

Two Juſtices, one of the Quorum, *to determine all Cauſes about Statute* 39 Eliz.

Note: It is Enacted by the Statute 39 *Eliz.* c. 4. That any Two or more Juſtices of the Peace within their ſeveral Shires, Cities, Boroughs, or Towns Corporate (whereof one to be of the *Quorum*) ſhall have full Power to hear and determine all Cauſes that ſhall grow or come in Queſtion, by reaſon of this Statute 39 *Eliz.* made for the Puniſhment of Rogues, Vagabonds, and ſturdy Beggars.

Who may beg.

And now becauſe the Penalty of Wandering Beggars is ſo ſevere, I ſhall ſhew who may beg, and not be in Danger of the Statutes of Rogues, and who not.

Shipwrack'd.

The Juſtice of Peace dwelling in or near the Place where any Seafaring-Man ſuffering Shipwrack ſhall Land,

Land, may make a Teſtimonial under his Hand to ſuch Perſon, (not having wherewith to relieve himſelf in his Travel homewards) ſetting down in ſuch Teſtimonial the Place and Time of his Landing, and the Place of his Birth and Dwelling unto which he is to paſs, limiting therein a convenient Time for his Paſs, in which Time, and in his direct Paſſage, he may beg neceſſary Relief, 39 *Eliz.* c. 4. So of a Soldier or Mariner, 39 *Eliz.* But by the Statute 43 *Eliz.* c. 3. as to Sick or Maimed Soldiers, they now are uſually, and may be reliev'd with Money by the Treaſurers of every County where they come, with ſuch convenient Sums as may carry him to the next County, *vid. le Stat.* So that only in the ſaid Two Caſes of Shipwrack and Soldiers, or Mariners, may they beg Relief.

Soldier, Mariner.

Maimed Soldiers, how to be relieved.

Any one Juſtice of Peace may licenſe Labourers in Hay-time and Harveſt to paſs from one County to another to work, but not to wander or beg. *Per Stat.* 5 Eliz. 4.

Harveſt Labourers.

Any Two Juſtices of Peace may make a Teſtimonial to Serving men

Servants departing.

(or other Servants) departing from their Maſters, but they muſt not wander up and down idly, nor beg. 39 *Eliz.* 4. *Dalt.* 210.

Beggars at Doors. None may be ſuffered to take Relief at any Man's Door, tho' within the ſame Pariſh, unleſs it be by Order of the Overſeers. Neither may any be ſuffered to beg by the Highway, tho' in their own Pariſh. *Reſolv.* 15. 39 *Eliz.* If a Man give Alms at his Door, unleſs to ſuch Poor who are licenſed to beg by the Overſeers, he forfeits 10 *s.*

How by Statute 11 and 12 *W.* 3. cap. 18. Vagabond Beggars brought by a Paſs to a Conſtable, is to be had before the next Juſtice of Peace, of whom the Conſtable is to receive a Certificate for his further Conveyance, *&c. vide* in the Abridgment concerning Vagabonds, *&c.*

How the Juſtice is to tax an Allowance to the Conſtable on the Certificate to be paid by the Chief Conſtable, and he to deliver his Receipt to the Treaſurer of the County; and how the Juſtices at the *Quarter-Seſſions* may advance Money to the Chief Conſtable for that Purpoſe. *Ibid.*

The

The Conſtables neglecting their Duty in apprehending ſuch Vagabond Beggar to forfeit 20 *s.* and how to be levied by a Juſtice's Warrant. *Ibid.* Alſo how Ridings, Diviſions of Counties, Liberties and Towns Corporate, ſhall be taken. *Ibid.*

How far the aforeſaid Statute ſhall extend by Vertue of a Subſequent Statute made 2 *Annæ*, ca. 23. And how the Juſtices, at their *Quarter-Seſſions*, ſhall ſet down the Rates for conveying Vagrants through their Liberties. *Ibid.*

How the High Conſtable is to pay the Rate taxed upon producing the Receipt of the Conſtable of the adjacent County, to whom the Vagrant was to be delivered. *Ibid.*

How theſe Two latter Acts are continued by 5 *Annæ*, ca. 22. And how the General *Quarter-Seſſions* are to aſſeſs on every Pariſh and Place, ſuch Sums as are reaſonable for ſatisfying Allowances to Conſtables and others, for their loſs of Time and Expences in paſſing Vagrants. *Ibid.*

How the Treaſurers ſhall obey the Juſtices Order of Seſſions, for the Diſcharge of ſuch Sums for

conveying Vagrants as aforeſaid. *Ibid.*

A *Proviſo* to levy them according to the Cuſtomary Rate of Gaol or Bridge-Money. *Ibid.*

Of the Appeal of ſuch Perſons, who find themſelves aggrieved, to the next General *Quarter-Seſſions. Ibid.*

How the Juſtices, Chief Magiſtrates and Officers in Liberties and Towns Corporate, ſhall act, in certifying and conveying of Paſſengers, Vagabonds, Beggars and Idle Perſons, *&c. Ibid.*

By the 2 *Annæ*, cap. 6. Lewd and Diſorderly Servants, Rogues, Vagabonds and Sturdy Beggars, (not being Felons) by 39 *Eliz.* ca. 17. to be taken up and ſent to Sea-Service of Her Majeſty, in manner as is directed for Vagrants, 11 *W.* 3. cap. 18.

Precedents

Precedents of Warrants, Orders, Certificates, &c. about the Poor, Baſtards, Rogues, Apprentices, &c.

Baſtards.

REcognizance to anſwer concerning a Baſtard-child, and to be of the good Behaviour. *Practical Part of a Juſtice of Peace*, p. 253.

A Warrant and Mittimus againſt the reputed Father of a Baſtard-child, for not obeying the Order made by the Juſtices. *Pract. Part* 264. *Dalt.* 164. *ult. Edit. Kilb. Precedents* 44, 53.

A Warrant for Maintenance of a Baſtard-child left to the Pariſh out of the Eſtate. *Pract. Part* 315.

A Warrant to ſend one begotten with Child to her Maſter where ſhe laſt dwelt, ſhe not being lawfully diſcharged from his Service. *Pract. Part* 364.

A Warrant for the ſending of a Baſtard-child to the Place of its Birth. *Fidell's Precedent* 264.

A Warrant for the ſending of a Baſtard-child found wandring to the Place of its Birth. *Kilb. Precedents* 59.

A Warrant for apprenhending a Woman, on ſuſpicion of having Murdered her Baſtard-child. *Kilb. Precedents* 59.

A Condition for the reputed Father of a Baſtard-child to appear at the Quarter-Seſſions. *Kilb. Precedents* 60, 61.

The Condition of a Recognizance of one charged to be the Father of a Baſtard-child before its Birth to appear at Seſſions. *Kilb. Precedents* 61.

A Bond for the Diſcharge of the Pariſh from the Charge of a Baſtard-child unborn. *Kilb. Precedents*, p. 62, or born, 63.

A Releaſe (from the Overſeers of the Poor) to one that paid 5 *l.* to be freed from keeping a Baſtard-child. *Kilb. Precedents* 64.

A Warrant where a Maid-ſervant is got with Child, and from thence ſent to her Place of Birth. *Dalt.* 466. *Kilburn* 39.

A Mittimus to ſend to the Gaol the reputed Father of a Baſtard-child. *Dalt.* 492. And the Mother, 494.

A

A Mittimus for one that runneth away, leaving her Child to the Town, to the Houſe of Correction, *Dalt.* 493.

Order for the Relief of a Pariſh touching a Baſtard-child, and for Puniſhment of the Mother and reputed Father. *Pract. Part* 237. A Warrant under the Order for giving Notice thereof to the Mother and reputed Father. *Ibid* 240. *Kilb. Precedents* 48, 50.

A Warrant to apprehend and convey the Woman to the Houſe of Correction. *Kilb. Precedent* 40. A Mittimus to ſend her to the Houſe of Correction. *Kilb. Precedents* 40.

A Warrant againſt the Mother (for the Second Offence) to commit her to the Houſe of Correction, and find Sureties of good Behaviour. *Kilb. Precedents* 41.

A Warrant to convene the Mother and reputed Father. *Kilb. Preced.* 42.

A Warrant againſt the reputed Father of a Baſtard-child. *Kilb.* 43.

An Order for the reputed Father of a Baſtard child to diſcharge the Pariſh. *Kilb. Precedents* 45. And to ſend the Mother to the Houſe of Correction, 46.

An Order for Relief of the Pariſh, in caſe of a Baſtard, out of the Eſtate of the reputed Father. *Kilb. Precedents* 55.

Concerning Rogues.

A Warrant for a general Search for Rogues. *Pract. Part.* 266. *Dalt. ult. Edit.* 469. *Kilburn's Precedents* 439, 441.

The Form of a Teſtimonial, for conveying a Vagrant Rogue that hath been puniſhed, *Secundum formam ſtatuti* 39 Eliz. *c.* 4. *Pract. Part* 242. to the Place of his Birth. *Kilb.* 496.

A Mittimus to the Houſe of Correction of a dangerous Rogue. *Dalt.* 493. *ult. Edit. Kilb. Precedents* 425, 494

A Paſs for a Vagrant where the Place of his Birth is not known. *Pract. Part* 243. *Kilb.* 470.

Where neither the Place of his Birth, nor the Place of his Abode, is laſt known. *Pract. Part* 243. *Kilb.* 497.

A Paſs for a Vagrant apprehended in the laſt general Privy-Search. *Pract. Part* 244. And a Mittimus for ſuch an one to the Houſe of Correction. 245 *Kilb.* 498.

A

A Mittimus to the Gaol of a dangerous Rogue. *Pract. Part* 259.

A Warrant to pay 2 *s.* to one for apprehending a Vagabond. See *Stat.* 14 *Car.* 2. *Kilb.* 500. Againſt an Officer that refuſeth to pay the 2 *s. Pract. Part* 311, 312, 314. *Kilb.* 501, 502.

A Certificate concerning the apprehending a Vagabond. *Pract. Part* 313.

A Warrant againſt one who threatneth to run away, and to leave his Family to the Charge of the Pariſh. *Pract. Part* 365. And a Mittimus to the Houſe of Correction on that Warrant. *Ibid. Kilb. Precedents* 390, 391.

A Licence for a Petty-Chapman. *Kilb. Precedents* 285.

A Warrant to levy 5 *s.* on the Miniſter for not keeping a Regiſter Book. *Kilb.* 295.

A Warrant to levy 10 *s.* on the Conſtable for not apprehending a Rogue, and 20 *s.* for not puniſhing him. *Kilb.* 477.

A Warrant to levy 5 *l.* for diſturbing the Execution of the Statute. *Kilb.* 499.

Warrants about Overſeers.

To give up their Accounts. *Dalt. ult. Edit.* 467. *Pract. Part* 213.

and name Succeſſors. *Kilb. Precedents* 370.

To new Overſeers to take their Charge. 467. *Dalt. Kilb. Preced.* 353.

A Warrant to levy the Arrears of the late Overſeers upon their Accounts. *Pract. Part* 275. *Kilb.* 377.

An Order to allow and approve of Overſeers for the Poor. *Pract. Part* 354.

A Warrant for Nomination of Overſeers for the Poor.

A Warrant to Diſtrain ſuch as refuſe to pay their Rates to the Poor. *Dalt. ult. Edit.* p. 468. *Pract. Part* 214.

A Warrant againſt idle Perſons living out of Service. *Pract. Part* 246, 355, 356. A Mittimus to the Houſe of Correction for the ſame. *Pract. Part* 246. *Kilb. Precedents* 263.

A Liberate from thence. *Kilb. Precedents* 264.

A Warrant to allow a Sum of Money out of the Stock. *Pract. Part* 303.

Paſſport.

A Teſtimonial or Paſſport to travel for Poor, Blind, Lame, and ſuch as have Cauſe to travel; or for Mariners, Sea-wreck Men, Harveſt-workers, or Servants

Servants departing from their Maſters. It is fit that ſuch Perſons do get Allowance of his Paſſport, under the Hand of a Juſtice of Peace in every County where he is to paſs. *Dalt.* p. 489, 490.

A Licence or Paſſport for a poor Man to his Friends for Relief. *Kilb. Precedents* 286, 287.

A Licence to beg. *Kilb. Precedents* 287.

A Teſtimonial for conveying a Rogue that hath been puniſhed. *Kilb.* 485.

Settlement.

A Warrant to remove one that is come to ſettle in a Pariſh in a Tenement under 10 *l. per Annum. Prakt. Part.*

A Warrant againſt one that returneth into a Pariſh after he is removed. *Prakt. Part* 310.

A Mittimus to the Houſe of Correction for one that refuſeth to be removed after his Work finiſhed. *Prakt. Part* 309. *Kilburn* 390. See after.

Of Apprentices.

A Warrant as touching putting out Poor Children Apprentices. *Pract. Part* 262. *Kilburn* 23.

A Warrant againſt thoſe who refuſe to take Poor Children Apprentices. *Pract. Part* 276. *Kilb.* 28.

The Form of Indenture of Apprentiſhip of a poor Child bound by the Pariſh. *Pract. Part* 274. *Kilb.* 25. 26.

A Bond by a Perſon to ſave a Pariſh harmleſs from a Child bound Apprentice, at his Requeſt, by the Overſeers, he being related to the Child. *Kilb. Precedents* 31.

Poor Settlements.

A Warrant to provide a Stock to ſet the Poor at Work, and to provide Relief for them. *Kilb. Precedents* 371.

A Warrant to make Overſeers of the Poor, impow'ring them and the Church-wardens to collect the Poor's Tax; and upon Non-payment to diſtrain. *Kilb. Precedents* 374.

The Title of an Aſſeſſment for the Poor. *Kilb.* 375.

A

A Confirmation by the Inhabitants. *Ibid.*

A Confirmation of the Poors Rates at a General *Quarter-Seſſions* upon Complaint of the Inhabitants. *Kilb.* 376.

A Warrant to levy 5 *l.* on the Overſeer of the Poor for not keeping Monthly Meetings. *Kilb.* 378.

A Warrant to diſtrain for the Poors Tax. *Kilb.* 379.

A Mittimus where there is not ſufficient to diſtrain. *Kilb.* 380.

A Warrant to the Overſeers of the Poor to pay Arrears, and to continue Weekly Relief to Poor Perſons. *Kilb.* 381.

A Condition for a Church warden to give an Account of the Pariſh Stock, *&c.* in his Cuſtody. *Kilb.* 381.

A Bond and Condition to the Church-wardens and Overſeers of the Poor to ſave a Town harmleſs upon inhabiting there. *Kilb. Precedents* 383, 384.

A Warrant to warn one to depart out of a Pariſh, he not having given Notice within Forty Days of the Place of his Habitation, according the Statute 3 *&* 4 *Guil. & Mar. Kilb. Precedent:* Or to give Security to indemnifie the Pariſh; and upon Refuſal;

to be apprehended. *Kilb. Precedents* 385.

A Warrant (upon not obeying the foregoing Warrant) to remove one to the Place of his laſt Settlement; and to require the Church-wardens, *&c.* there to provide for him. *Kilb. Precedents* 386.

A Warrant for apprehending one for returning to a Pariſh from whence he was removed. *Kilb.* 387. and a Mittimus againſt him. *Id.* 388.

A Warrant to ſend a Wife and Child to her Husband in the Pariſh from whence they came. *Kilb.* 389.

A Warrant to allow a Poor Priſoner Relief. *Kilb.* 395.

THE

THE STATUTES Which relate to the POOR.

THE general Statutes which treat concerning Labourers, Poor People, and ſome other People, who wilfully become chargeable to a Common-wealth, (and therefore ought properly to be diſtinguiſh'd by another Name,) are, *viz.*

I. *Stat.* 5 *Eliz. Cap.* 4. Concerning Labourers, Artificers, Servants, and Apprentices; with 1 *Jac.* 1. 6. for rating the Wages of Labourers, and other Artificers.

II. More particularly relating to Poor People; as 43 *Eliz.* 2. 1 *Jac.* 1. 25. 7 *Jac.* 1. *Cap.* 3. 3 *Car.* 1. *Cap.* 4.

13, 14 *Car.* 2. *Cap.* 12. 22 & 23 *Car.* 2. *Cap.* 8. *Stat.* 1. *Jac.* 2. *Cap.* 17.

III. Such as concern Baſtards, Lewd Women, Vagabonds, Vagrants, Rogues, Beggars, *&c.* as 18 *Eliz. Cap.* 3. 39 *Eliz. c.* 4. *Stat.* 39 *Eliz. c.* 17. *Stat.* 1. *Jac.* 1. *c.* 7. *Stat.* 7. *Jac.* 1. *Cap.* 4.

The Statute 1 *Jac.* 1. *Cap.* 31. relates to ſuch Poor People are infected with the Plague.

Labourers, Artificers, Servants, and Apprentices.

Note, *That by Stat.* 2 & 3. *E.* 6. 15.

I. ARtificers, Workmen, and Labourers, that conſpire together concerning their Work or Wages, every of them ſo conſpiring ſhall forfeit for the Firſt Offence 10*l.* to the King; and if he pay it not within Six Days after Conviction, by Witneſs, Confeſſion, or otherwiſe, he ſhall ſuffer Twenty Days Impriſonment, and during that Time ſhall have no Suſtenance but Bread and Water: For the Second Offence he ſhall forfeit 20*l.* and that not paid within Six Days,

Days, as aforeſaid, ſhall ſuffer the Pillory: And for the Third Offence he ſhall forfeit 40*l.* and that not paid within the ſaid Time ſhall again ſuffer the Pillory, loſe one of his Ears, and be ever after taken as a Man infamous, and not to be credited.

II. Juſtices of Aſſize, Juſtices of Peace, Mayors, Bailiffs, and Stewards in Seſſions, Leets and Courts, have Power to hear and determine theſe Offences: But Quære, *Whether this Branch of this Statute be not repealed by the general Words of* 5 Eliz. 4. *following?*

III. *Stat.* 5 *Eliz.* 4. So much of all Statutes made, and every Branch thereof as touch or concern the Hiring, Keeping, Departing, Working, Wages, or Order of Servants, Workmen, Artificers, Apprentices, and Labourers, or any of them, and the Penalties and Forfeitures concerning the ſame, are repealed: Howbeit, the ſaid Statutes, and every Branch and Matter therein contain'd, not repealed by this Act, ſhall remain in Force.

IV. None

IV. None ſhall hire, or be hired, for leſs than One whole Year in the Arts of Clothier, Woollen-Weaver, Tucker, Fuller, Clothworker, Sheerman, Dier, Hoſier, Taylor, Shoemaker, Tanner, Pewterer, Baker, Brewer, Glover, Cutler, Smith, Farrier, Currier, Saddler, Spurrier, Turner, Capper, Hat or Felt-maker, Fletcher, Arrowhead-maker, Butcher, Cook, Miller.

V. Every Perſon unmarried, or under the Age of Thirty Years, though married, having been brought up in any of the Arts aboveſaid by the Space of Three Years, and not worth in Lands 40 *s. per Annum*, or in Goods 10 *l.* and ſo allowed under the Hands and Seals of Two Juſtices of Peace, the Head Officer, or Two diſcreet Burgeſſes of the Place where the Party ſo brought up hath lived, by the Space of One whole Year, not already retain'd in Husbandry, the Arts aboveſaid, or any other Art or Myſtery, or in any Service, (upon Requeſts of any Perſon uſing the ſame Art,) ſhall not refuſe to ſerve for the Wages limited by the Statute; and ſo being retain'd, ſhall not depart from his or their Service without

out one Quarter's Warning before Two lawful Witneſſes, or ſome lawful Cauſe, to be proved before One Juſtice of Peace, or Head-Officers, in Pain of Impriſonment without Bail; but upon Submiſſion to perform the Service, they ſhall be enlarged without Fees, which Commitment and Enlargement Two Juſtices of Peace, the Head-Officer, or Two Burgeſſes, as aforeſaid, unto whom Complaint ſhall be made, have Power to command as in their Diſcretions, and upon due Proof, ſhall be thought fit.

VI. Every Perſon, between the Ages of Twelve and Sixty, not already retain'd in any Service, nor employ'd about Husbandry, Mines, Glaſs, Coal, Fiſhing, Sailing, Proviſion of Grain or Meal for *London*, nor Gentleman born, nor Scholar in any Univerſity or School, nor worth 40 *s.* *per Annum* in Lands, or 10 *l.* in Goods, not having a Father, Mother, or other Anceſtor (whoſe Heir he is) worth 10 *l.* *per Annum* in Lands, or 40 *l.* in Goods, ſhall be compelled to ſerve in Husbandry, and ſhall not depart that Service otherwiſe than as is before limited, upon Pain above expreſs'd. VII. None

VII. None ſhall put away his Servant before the End of his Term without a Quarter's Warning, or ſome lawful Cauſe, to be proved by Two ſufficient Witneſſes before the Juſtices of *Oyer* and *Terminer*, Juſtices of Aſſize, Juſtices of Peace in Seſſions, a Head-Officer, or Two Diſcreet Aldermen or Burgeſſes, in Pain of 40 *s.*

VIII. No Servant, having ſerved in one City or Town, ſhall get to ſerve in another without a Teſtimonal, *viz.* (in a Town Corporate under the Seals of the Towns, or Two Houſholders there, and in the Country under the Seals of the Conſtable or Conſtables, and Two Houſholders there,) which Teſtimonial ſhall be made and deliver'd to the Party, and alſo regiſtred by the Miniſter of the Place where the Servant dwelt, for which the Maſter is to have Twopence.

IX. The Form of the Teſtimonial is this: *Memorandum*, That A. B. *Servant to* C. D. *of* I. *in the County of* E. *Husbandman, or Taylor*, &c. *in the ſaid County, is licenſed to depart from his ſaid Maſter, and is at his Liberty to ſerve elſewhere,*

where, according to the Statutes in that Caſe made and provided. In Witneſs, &c.

X. The Servant which ſheweth not ſuch a Teſtimonial to the Chief Officer in a Corporation, or to the Miniſter, or ſome Officer, in any other Place where he is to dwell, ſhall ſuffer Impriſonment till he procure one; and if he produce not one within One and Twenty Days after his Impriſonment, or ſhew a falſe one, he ſhall be puniſhed by Whipping as a Vagabond; and the Maſter that retains a Servant without ſuch a Teſtimonial ſhall forfeit 5 *l.*

XI. Thoſe that work by the Day or Week, ſhall continue at Work, betwixt the Middle of *March* and the Middle of *September*, from Five in the Morning till betwixt Seven and Eight at Night, except Two Hours allowed for Breakfaſt, Dinner, and Drinking, and half an Hour for Sleeping, from the Midſt of *May* to to the Middle of *Auguſt*, and all the reſt of the Year from Twilight to Twilight, except an Hour and an Half allowed for Breakfaſt and Dinner, in Pain to have One Penny defaulked

faulked out of their Wages for every Hour's Abſence.

XII. None that takes Work by Great ſhall leave the ſame before it be quite finiſhed, except for not Payment of his Wages, the Queen's Service, Licence of the Work-maſter, or other lawful Cauſe, in Pain to ſuffer One Months Impriſonment without Bail, and to forfeit 5 *l.* to the Party grieved, beſides his Coſts and Dammages, to be recover'd at the Common Law for the Loſs ſuſtain'd.

XIII. None retain'd in Service to work ſhall depart without Licence, in Pain of One Month's Impriſonment.

XIV. Such Wages of Labourers, Artificers, and others, as have been formerly rated, or concern Husbandry, ſhall be Yearly aſſeſſed for the County by the Sheriff and Juſtices of Peace in Seſſions, and in Corporations by the Head-Officer, at their *Eaſter* Seſſions, or within Six Weeks after and before the 12th of *July* following, ſhall be certified under their Hands and Seals in the Chancery: Whereupon the Lord Chancellor or Keeper ſhall ſend down printed

printed Proclamations thereof into every Country and Corporation before the Firſt of *September* then next following, which the ſaid Sheriffs, Juſtices, and Head-Officer, ſhall before *Michaelmas* after cauſe to be enrolled and proclaimed. But here, when the Old Rates ſhall be certified to ſtand, no Proclamation is needful.

XV. A Juſtice of Peace, or Chief Officer, which ſhall be abſent at the Taxing of Wages (being not letted by Sickneſs, or ſome other reaſonable Cauſe to be allowed by the Juſtices upon *Affidavit*) ſhall forfeit 10 *l.*

XVI. None ſhall give greater Wages than thoſe ſo rated, as aforeſaid, in Pain of 5 *l.* and Ten Days Impriſonment without Bail; and if any Perſon ſhall be convicted before Two Juſtices of Peace, or a Head-Officer, of taking more Wages, he ſhall ſuffer One and Twenty Days Impriſonment without Bail.

XVII. Every Retainer, Promiſe, Gift, or Payment of Wages, or other Thing contrary to the True Meaning of this Act, and every Writing and Bond to be made for that Purpoſe, ſhall be void.

XVIII. If

XVIII. If any Servant, or other, ſhall be convicted before Two Juſtices of Peace, or a Chief Officer, as aforeſaid, by his own Confeſſion, or the Teſtimony of Two honeſt Men, to have aſſaulted his Maſter, Miſtreſs, Dame or Overſeer, he ſhall ſuffer One Years Impriſonment, or leſs, if the Juſtice or Chief Officer ſhall think fit; and if the Party ſhall be thought to deſerve a more ſevere Puniſhment, then to receive ſuch open Puniſhment (Life and Member excepted) as the Juſtices in Seſſions, or the Chief Officer and Four of the diſcreeteſt Men in the Corporation ſhall think convenient.

XIX. Artificers ſhall work in Hay-time and Harveſt in Pain of Impriſonment in the Stocks Two Days and One Night, which the Conſtable ſhall inflict upon them in pain of 40*s*.

XX. It ſhall be lawful for Labourers (other than ſuch as are retained in Service according to this Statute) to go to other Shires to Work in Hay-time and Harveſt, ſo that they bring with them a Teſtimonial under the Hand of one Juſtice of Peace, or a Chief Officer, teſtifying that they have

have not ſufficient Work in the Place where they lived the Winter before; for which Teſtimonial they ſhall only pay a Peny.

XXI. Every unmarried Woman fit to ſerve, being above Twelve Years Old, and under Forty, ſhall by Two Juſtices of Peace, a Chief Officer or Two Burgeſſes, be compellable to ſerve for convenient Time and Wages in pain of Impriſonment.

XXII. Husbandmen being Houſholders, and uſing half a Plough-land at leaſt in Tillage, may take by Indenture Apprentices above the Age of Ten Years, and under Eighteen, to ſerve in Husbandry until the Age of Twenty-one Years at leaſt, or Twenty-four Years, as the Parties can agree.

XXIII. Every Houſholder of the Age of Twenty-three Years, dwelling in a Town Corporate, and uſing there any Art or Myſtery, ſhall and may take an Apprentice for Seven Years at leaſt; howbeit the Term ought not to expire before the Apprentice accompliſh the Age of Twenty-four Years.

XXIV Merchants Mercers, Drapers, Goldſmiths, Ironmongers, Em-

broiderers, and Clothiers, dwelling in Corporate Towns, ſhall take no Apprentices but their own Children, or ſuch whoſe Parents have Inheritance, or Freehold of 40 *s. per Annum*, to be certified under the Hands and Seals of Three Juſtices of Peace of the County where ſuch Lands lie, to the Head Officer of the ſaid Corporation, who ſhall cauſe the ſame to be Recorded. Artificers in Market-Towns not Corporate, being Houſholders, and of the Age of Twenty-four Years, may take other Artificers Children to ſerve as Apprentices.

XXV. Merchants, Mercers, Drapers, Goldſmiths, Ironmongers, Embroiderers and Clothiers, dwelling in Market-Towns not Corporate, ſhall take no Apprentices but their own Children, or ſuch whoſe Parents have Inheritance of Freehold worth 3 *l. per Annum*, to be certified under the Hands and Seals of Three Juſtices of Peace, as aforeſaid.

XXVI. Smiths, Wheelwrights, Ploughwrights, Millwrights, Carpenters, Rough-maſons, Plaiſterers, Sawyers, Lime-burners, Brickmakers, Bricklayers, Tylers, Salters, Helyers, Tile-makers, Linen Weavers, Turners, Coopers,

Coopers, Millers, Earthen-Potters, Woollen-Weavers, (of Houſewifes-Cloth only) Fullers, Woodburners, Thatchers, and Shinglers, may take Apprentices, though their Parents have no Land.

XXVII. None which hath not ſerved an Apprentice Seven Years in any Art or Myſtery now uſed, ſhall uſe the ſame, or ſet any other to work therein which hath not ſo ſerved out that Time, in pain to forfeit 40*s.* for every Month.

XXVIII. Woollen Cloth-Weavers (other than ſuch as inhabit *Cumberland*, *Weſtmorland*, *Lancaſter*, or *Wales*, or in Cities, Corporations, or Market-Towns) ſhall take no Apprentices, nor teach any their Art, ſave their own Children, or ſuch whoſe Parents have Inheritance or Freehold worth 3 *l. per Annum*, to be certified under the Hands and Seals of Three Juſtices of Peace of the County where the Lands lie, in pain to forfeit 20*s.* for every Month: And the Indenture ſhall within Three Months be regiſtred in the Pariſh where the Maſter dwells, the Fee of which Regiſtring is 4*d.* This Section is repealed, by Statute 5 *&* 6 *W. & M. cap.* 9.

XXIX. Every Clothworker, Fuller, Sheerman, Weaver, Taylor and Shoemaker, ſhall for every Three Apprentices, keep One Journey-man; and for every Apprentice above Three, another Journeyman, in pain of 10*l.*

XXX. This Act ſhall not prejudice Worſted-makers, nor Worſted-weavers, in *Norwich* and *Norfolk*.

XXXI. If any Perſon fit to make an Apprentice, refuſe to ſerve upon Demand, one Juſtice of Peace, Mayor, or Head-Officer, unto whom Complaint thereof ſhall be made, have Power to commit him to Ward, until he ſhall be willing to ſerve accordingly.

XXXII. If there ſhall ariſe any Difference betwixt the Maſter and the Apprentice, One Juſtice of Peace in the Country, or the Mayor, or Head-Officer in a Corporation or Market-town, ſhall have Power to reconcile it, if they can; if not, then to bind over the Maſter to the next Quarter-Seſſions, where the Juſtice of Peace, or any Four of them, (1 Q.) or the Head-Officer, with the Conſent of Three of his Brethren, ſhall upon Default found in the Maſter, in Writing under their Hands and Seals, have Power to diſcharge the Apprentice of his Ser-

Service; and if Default be found in the Apprentice, then to inflict ſuch Puniſhment upon him as in their Diſcretions ſhall be thought fit.

XXXIII. None ſhall be bound to enter into an Apprentiſhip, other than ſuch as be under the Age of One and Twenty Years.

XXXIV. Juſtices of Peace in their ſeveral Diviſions, and Head-Officers in Towns Corporate, ſhall meet Twice every Year, *viz.* Once betwixt *Michaelmas* and *Chriſtmas*, and another Time betwixt the *Lady-Day* and *Midſummer*, to give Order for the due Execution of this Statute.

XXXV. Juſtices of Peace and Head-Officers ſhall have 5 *s.* for every Day they ſit about the Execution of this Statute, to be allowed them out of the Fines which accrue upon the Breach thereof; ſo that their Sitting be only for Matters contain'd in this Statute, and not above Three Days at One Time.

XXXVI. The Forfeitures aforeſaid (except thoſe otherwiſe limited) ſhall be divided between the Queen and the Proſecutor: And all Juſtices of Peace, or any Two of them, (1 Q.) and every Head-Officer, ſhall have

Power to hear and determine the Breach of this Statute upon Indictment, or otherwiſe, and to award Proceſs and Execution accordingly; and ſhall Yearly, in *Michaelmas*-Term, by Eſtreat, certifie into the Exchequer the Fines which accrue upon this Statute, in Manner as they ought to do in other Caſes.

XXXVII. This Act ſhall not reſtrain the Cities of *London* and *Norwich* from taking of Apprentices as in Times paſt.

XXXVIII. None ſhall take Apprentices otherwiſe than is limited by this Act, in Pain of 10 *l.* and all Indentures otherwiſe made ſhall be void.

XXXIX. An Apprentice ſhall be bound by his Indentures, notwithſtanding his Non-age of One and Twenty Years.

XL. The Inhabitants of *Godalming* in *Surrey* may take and uſe ſuch Arts and Apprentices as Market-Towns may do, by Vertue of this Act.

XLI. The Fines accruing by this Act in Towns Corporate, ſhall be appointed by the Head Officer (to be collected as other Fines and Amerciaments)

ciaments) for the Uſe of the ſame Towns.

XLII. When an Apprentice departs from his Maſter's Service into another County or Corporation, it ſhall be lawful for the Juſtice of Peace, or Head Officers there being (Juſtices of Peace) to direct a *Capias* to the Sheriff, or other Chief Officer for his Apprehenſion; and being taken, the ſaid Juſtice of Peace, or Head-Officer, ſhall commit him to Ward until he give good Security that he will honeſtly ſerve out his Time.

XLIII. Notwithſtanding this Act, High-Conſtables have Power to keep their Statute-Seſſions, ſo that they there do nothing repugnant thereunto.

XLIV. *Stat.* 1 *Jac.* 6. The Statute of 5 *Eliz.* 4. ſhall give Power to the Juſtices of Peace to rate the Wages of any Labourers, Weavers, Spinſters, and Workmen or Workwomen, whatſoever.

XLV. The Rating of ſuch Wages in Seſſions by the more Part of the Juſtices within any Particular Riding or Diviſion, (where General Seſſions have been uſed ſeverally to be kept,)

ſhall be as effectual as thoſe rated at the General Seſſions of the whole County.

XLVI. The Sheriffs and Head-Officers, within their ſeveral Precincts, ſhall cauſe the ſaid Rates to be proclaimed in ſuch Sort as if they had been ſent down printed from the Lord Keeper, which all Perſons ſhall be bound to obſerve, upon the Pains and Penalties menti-on'd in the ſaid Statute of 5 *Eliz.* 4.

XLVII. A Clothier, or other convicted before the Juſtices of Aſſize or Peace in Seſſions, or before Two Juſtices of Peace, (1 Q.) by his own Confeſſion, or the Evidence of Two Witneſſes, not to have obſerved the ſaid Rates, by paying leſs than in the Rates ſo appointed, ſhall forfeit 10*s.* to the Party grieved, to be levied upon Warrant from the ſame Juſtices, by Diſtreſs and Sale of the Goods.

XLVIII. None ſhall incur any Danger for not making Certificate of the Rates into the Chancery, according to 5 *Eliz.* 4.

XLIX. A Clothier, being alſo a Juſtice of Peace, ſhall not be a Rater of Wages for any Artificer that

that depend upon making of Cloth.

By *Stat.* 8 & 9 *Will.* 3. *c.* 30. Where any Poor Children ſhall be appointed to be bound Apprentices, purſuant to the Act of 43 *Eliz. c.* 2. the Perſons to whom they are appointed to be bound ſhall receive and provide for them according to the Indenture; and upon Refuſal ſo to do, upon Oath thereof made by a Church-warden or Overſeer before Two Juſtices, he or ſhe ſo offending ſhall forfeit 10 *l.* to be levied by Diſtreſs and Sale of the Offender's Goods, to be applied to the Uſe of the Poor of the Pariſh where ſuch Offence was committed; ſaving to ſuch Perſons their Appeal to the next Quarter-Seſſions for that County, whoſe Order therein ſhall be final.

And by this Statute, no Unmarried Perſon, not having Child or Children, lawfully hired into any Pariſh or Town for One Year, ſhall be deemed to have a Good Settlement in ſuch Pariſh, unleſs he continue in the ſame Service during One Year.

By the *Stat.* 2 *Ann. c.* 6. Two Juſtices, in their Counties, *&c.* Mayor, Aldermen, and other Chief Officers, of any City, or Town Corporate, and Church wardens and Overſeers of the Poor, with Conſent of Two Juſtices of the Peace, *&c.* may bind out Boys above 10 Years of Age, whoſe Parents are chargeable to the Pariſh, to be Apprentice to the Sea-Service, to any Maſter, Owner of any Veſſel or Ship belonging to any Port in *England* and *Wales*, until the Age of One and Twenty; and the Age of the Boy is to be mention'd in the Indenture. Alſo the Overſeers are to pay 50 *s.* to the Maſter for Cloathing, Boarding, *&c.* and to be allowed it on their Accounts.

The Juſtices, Aldermen, Mayor, and Chief Officer, in or near the Port which Ships ſhall arrive, may hear and determine Complaints of Hard Uſage of all Apprentices to Sea-Service. See *Waſhington*'s Abridgment of this Statute, *Tit. Seamen, & ibid. Sect.* 33. How the Maſters of Apprentices, according to 43 *Eliz. c.* 2. may turn over their Apprentices to ſuch Maſter or Owner during the Remainder

der of their Apprentiſhip, and a Protection ſhall be given till he be 18 Years of Age; and after ſuch Age, if they ſhall be impreſs'd, or enter themſelves into Her Majeſty's Service, their Owners or Maſters ſhall have Able Seamens Wages for ſuch of them as are found qualified.

How Diſorderly Servants, Rogues, Vagabonds, and Beggars, may be ſent into Her Majeſty's Service, by *Stat.* 2 *Ann. cap.* 6. in ſuch Manner as is directed for Vagrants by 11 *Will.* 3. *cap.* 18.

Poor People.

Stat. 43 *Eliz.* 2.

I. THE Church-warden of every Pariſh, and Four, Three, or Two Houſholders there, (according to the Greatneſs of the Pariſh) to be nominated Yearly in *Eaſter-Week*, or within One Month after, under the Hands and Seals of Two Juſtices of Peace, (1 Q.) ſhall be called Overſeers of the Poor for the ſame Pariſh.

II. Theſe

II. Theſe Overſeers, or a greater Part of them, ſhall take Order (with the Conſent of Two ſuch Juſtices) for the Setting of Poor People to work, and for raiſing (by Taxation) a Convenient Stock to work upon, to relieve Impotent Perſons, to put forth Apprentices, and to perform all other Things concerning the Premiſſes.

III. Theſe Officers, or ſuch of them as ſhall not be let by ſome Juſt Excuſe, (to be allowed by Two ſuch Juſtices,) ſhall meet Monthly in the Church upon *Sunday* after Evening-Prayer, and there conſider of ſome meet Direction in the Premiſſes; and ſhall within Four Days after the End of their Year, and other Overſeers nominated, yield up a True Accompt to ſuch Two Juſtices, pay the Surpluſage thereof to their Succeſſors, and uſe all poſſible Diligence in their Office, in Pain to forfeit for every ſuch Default 20*s.*

IV. Where the Inhabitants of any Pariſh are not able to relieve themſelves, Two ſuch Juſtices may tax other Pariſhes and Places, and the the whole Hundred alſo (if need require;)

quire;) and where the whole Hundred is not able, Juſtices of Peace in Seſſions may tax the County in Part, or wholly, at their Diſcretions.

V. It ſhall be lawful for the ſaid Officers, upon Warrant from Two ſuch Juſtices, to levy ſuch Tax or Surpluſage by Diſtreſs and Sale of Goods, and in Default of Diſtreſs, Two of the ſaid Juſtices have Power to commit the Party to Priſon, there to remain without Bail until it be diſcharged, and alſo to commit Perſons which refuſe to work to the Houſe of Correction.

VI. The ſaid Officers, or the greater Part of them, with the Aſſent of Two Juſtices of Peace, may bind Poor Children Apprentices, *viz.* a Man-child till Twenty-four Years of Age, and a Woman-child till One and Twenty Years, or Marriage.

VII. The ſaid Officers ſhall (with the Conſent of the Lord of the Mannor, firſt obtain'd in Writing under his Hand and Seal) either of themſelves, or by Vertue of a Seſſions-Order, erect Cottages upon the Waſte, and lodge Inmates therein, not;

notwithſtanding the Statute of 31 *Eliz.* 7. But thoſe Cottages ſhall not be afterwards otherwiſe imploy'd than to lodge Impotent Perſons therein, upon the Pains mentioned in the ſaid Statute of 31 *Eliz.*

VIII. Juſtices of Peace in Seſſions ſhall rectifie Unjuſt Taxes, whoſe Order therein ſhall be binding to all Parties.

IX. The Father, Grandfather, Mother, Grandmother, and Children, of every Poor Perſon, ſhall be aſſeſſed towards their Relief, as the Juſtices of Peace in Seſſions of the County where ſuch Father, *&c.* dwells, ſhall limit and appoint, in Pain to forfeit 20 *s.* a Month.

X. Officers in Corporate Towns, and Aldermen of *London*, have in their ſeveral Precincts like Authority that Juſtices of Peace have in the Counties, which ſaid Juſtices are not to intermeddle in Corporations for the Execution of this Law.

XI. When one Pariſh extends into ſeveral Counties or Liberties, the Juſtices or Head-Officers ſhall only intermeddle within their Reſpectives; but the Church-wardens and

and Overſeers ſhall have mix'd Juriſdiction, and ſhall render Accompt (as aforeſaid) to Juſtices or Head-Officers of both Places.

XII. If it happen Overſeers not to be appointed according to this Statute, every Juſtice of Peace or Head-Officer of that Diviſion or Corporation ſhall forfeit 5 *l.* to be levied by a Seſſions-Warrant, and employed to the Uſe of the Poor of the Pariſhes where ſuch Default is made.

XIII. The Forfeiture of this Statute ſhall be employed to the Uſe of the Poor, and levied by Diſtreſs and Commitment, as aforeſaid.

XIV. Juſtices of Peace of every County and Corporation, or the moſt Part of them, at *Eaſter*-Seſſions, ſhall Yearly (or as often as they ſhall think fit) rate every Pariſh at a certain Sum to be paid Weekly; but ſo as no Pariſh may pay more than Six-pence, nor leſs than a Half-peny, and (one Pariſh being conſider'd with another) not above Two-pence through the whole County or Corporation; which Sum ſo rated, the Church-wardens and Conſtable of every Pariſh, or any of them, (or in their Default

fault a Juſtice of Peace,) have Power to aſſeſs and levy by Diſtreſs, Sale, and Commitment, as aforeſaid.

XV. Juſtices of Peace ſhall then likewiſe rate every Pariſh towards the Relief of the *King's-Bench* and *Marſhalſea*, and alſo of Hoſpitals and Alms-houſes ſituate within their ſeveral Juriſdictions, appointing only ſo much to the ſaid Hoſpitals and Alms-houſes that the *King's-Bench* and *Marſhalſea* may each of them receive at leaſt 20 *s.* Yearly out of every County: And the the Sums thus to be aſſeſſed upon every Pariſh, the Church-wardens there ſhall collect and levy as before, and pay them over Quarterly to the High-Conſtable of that reſpective Diviſion Ten Days before every Quarter-Seſſions, and the High-Conſtables ſhall every Quarter-Seſſions pay the ſame over to the Two Treaſurers of the County, or one of them, to be Yearly choſen by the more Part of the Juſtices of Peace out of ſuch Subſidy-men as were taxed in the laſt Tax of Subſidies at 5 *l.* Lands, or 10 *l.* Goods; which Treaſurers ſo choſen ſhall Yearly, at *Eaſter*-Seſſions, render a True Ac-

compt

compt to their Succeſſors, and pay the Moneys in their Hands to the Lord Chief Juſtice of the *King's-Bench*, and the Knight-Marſhal, by equal Portions. And here the Church-warden, or his Executors, *&c.* which fails in Payment to the High-Conſtable, ſhall forfeit 10 *s.* and the High-Conſtable, or his Executors, *&c.* which fails in Payment to the Treaſurers, ſhall forfeit 20 *s.* to be levied and imployed by the ſaid Treaſurer as aforeſaid.

XVI. The Stock of every County ſhall be ordered and diſpoſed to Charitable Uſes, as the Juſtices, or the more Part of them, ſhall think convenient.

XVII. The Treaſurer that refuſeth to execute his Office, to diſtribute Relief, or to Accompt, as the moſt Part of the Juſtices ſhall direct, ſhall be fined by the ſame Juſtices, or (in their Default) by the Judges of Aſſize, Three Pounds at leaſt, which Fine ſhall be levied by Sale of Goods, upon the Proſecution of any Two Juſtices authorized by the reſt.

XVIII.

XVIII. A Proviſion for the Iſlands of *Fowlneſs* in *Eſſex*.

XIX. Upon an Action brought for the due Execution of this Act, the Defendant may plead the General Iſſue, and yet give Special Matter in Evidence, and ſhall alſo recover Treble Dammages, and his Coſts of Suit.

This Statute is alſo ſet forth at large in this Treatiſe. See it before.

XX. *Stat.* 7. *Jac.* 3. Money given to put out poor Children Apprentices, ſhall be imployed in Corporate Towns by the Corporations, and in other Places by the Parſon or Vicar, together with the Conſtables, Church-wardens, and Overſeers of the Poor, or the moſt Part of them, who ſhall not forbear or refuſe to imploy the ſame accordingly, in pain to forfeit Five Marks each of them ſo making Default, to be divided betwixt the Poor of the Pariſh and the Proſecutor.

XXI. The Party taking Money with ſuch an Apprentice, ſhall give good Security by Obligation to repay it at the End of Seven Years next enſuing the Date of the ſaid Obligation, or within Three Months next after the End of the ſaid Seven Years; and if ſuch Apprentice ſhall die within

within the Seven Years, then within one Year after his or her Death: And if the Maſter, Miſtreſs or Dame, happen to die within the Seven Years, then within one Year after their Death, ſo as the Money may be employed in placing the Apprentice with ſome other of the ſame Trade, to ſerve out his Time, at the Diſcretion of the Parties truſted, as aforeſaid.

XXII. The Money ſo given ſhall be employed within Three Months after the Receipt thereof, and if there ſhall not be apt Perſons found in the Places where it is given to be Apprentices, it ſhall be employed in the Pariſhes next adjoining by the Parties that are truſted with it in the Places where it was ſo given, and there alſo Bond ſhall be taken, as before is declared.

XXIII. The Choice of Apprentices ſhall be out of the pooreſt ſort of Children, whoſe Parents are the leaſt able to relieve them, and no ſuch Apprentice ſhall be above the Age of Fifteen Years when he or ſhe is firſt bound.

XXIV. The Parties ſo truſted, ſhall yearly in *Eaſter-week*, or within

in

in one Month after, Account before Two or more of the next Juſtices of Peace. And if there be any Obligations, or Money remaining in their Hands, they ſhall upon ſuch Account (or within Ten Days after) deliver the ſame unto their Succeſſors.

XXV. If any Officer ſo truſted, ſhall break the Truſt repoſed in him, miſemploy the ſaid Money, or do any Thing contrary to this Act, for which he cannot be puniſhed by this Act, the Lord-Chancellor or Keeper ſhall, upon the Petition of any Perſon, award a Commiſſion to ſuch as he ſhall think fit, to enquire, hear, and determine ſuch Offences; and if the Commiſſioners ſhall find Money ſo miſemployed, they ſhall, in Places not Corporate, have Power to rate, raiſe, and collect it upon the Parties ſo offending; or otherwiſe, upon the able Inhabitants of the City, Town, or Pariſh ſo in Default, as the ſaid Commiſſioners, or the greateſt Part of them, ſhall think fit, and ſhall return the ſaid Commiſſion, together with the Manner of executing the ſame, into the *Chancery* within Three Months next after ſuch Execution thereof.

XXVI.

XXVI. *Stat.* 1. *Jac.* 25. All Perſons, to whom the Overſeers of the Poor ſhall (according to the Statute of 43 *Eliz.* 2.) bind any Poor Children Apprentices, may take, receive, and keep them, as Apprentices: *See alſo the ſame continued and confirmed by* 21 Jac. 28. and 3 *Car.* 4.

XXVII. *Stat.* 3 Car. 4. The aforeſaid Statute of 1 *Jac.* 25. is again continued and confirmed.

XXVIII. The Church-wardens and Overſeers of the Poor (mentioned in the Statute of 43 *Eliz.* 2.) may with the Conſent of Two or more Juſtices of the Peace, One of the *Quorum*, within their reſpective Limits, wherein there ſhall be more Juſtices of Peace than One, and where no more ſhall be than One, with the Aſſent of that One Juſtice, ſet up, uſe, and occupy any Trade, Myſtery, or Occupation, only for the ſetting on work and better Relief of the Poor of the Pariſh or Place where they ſo bear Office reſpectively.

XXIX. *Stat.* 13 & 14 *Car.* 2. c. 12. Upon complaint made by the Church-

wardens,

wardens, or Overſeers of the Poor of any Pariſh, to any Juſtice of the Peace within Forty Days after any Perſons coming to ſettle in any Tenement under the yearly Value of 10 *l.* any Two Juſtices of the Peace, whereof one of the *Quorum*, may by Warrant remove ſuch Perſons to ſuch Pariſh where they were laſt ſettled, either as a Native, Houſholder, Sojourner, Apprentice, or Servant, for the ſpace of Forty Days, unleſs they give Security to diſcharge the Pariſh, to be allowed by the ſaid Juſtices; provided, Perſons grieved may appeal to the next *Quarter-Seſſions*.

XXX. Provided all Perſons may go from Place to Place to work in Harveſt, carrying with them Certificates from the Miniſter, one Churchwarden, and one of the Overſeers of the Poor of the Place where they inhabit; and ſuch working in Harveſt, or falling Sick, ſhall not be accounted a Settlement; and if ſuch Perſons refuſe to go, and ſhall not remain in the Pariſh where they ought to be ſettled, any Two Juſtices of the Peace where the Offence is committed may ſend them to the Houſe of Correction

on as Vagabonds, or to the Publick Work-houſe, there to labour.

XXXI. There ſhall be one or more Corporations in *London* and *Weſtminſter*, the Counties of *Middleſex* and *Surrey*, lying within the Pariſhes in the Weekly Bills of Mortality, conſiſting of a Preſident, Deputy-Preſident, and Treaſurer; and the Lord-Mayor, Preſident, and Aldermen, to be Aſſiſtants of the Corporation, or Work-houſes of *London*, and Fifty-two Citizens to be choſen by the Common-Council of the ſaid City, who may elect a Deputy-Preſident and Treaſurer, and other Officers, for Execution of this Act.

XXXII. A Preſident, and Deputy-Preſident, and Treaſurer, and Aſſiſtants for the City of *Weſtminſter*, to be choſen by the Lord-Chancellor, or Lord-Keeper.

XXXIII. Juſtices of the Peace of *Middleſex* and *Surrey* reſpectively, in their *Quarter-Seſſions*, may chuſe Preſidents, Deputy-Preſidents, Treaſurer, and Aſſiſtants for their reſpective Corporations and Work-houſes; and the Officers to give Accounts in writing at every *Quarter-Seſſions*.

XXXIV.

XXXIV. The ſaid reſpective Preſidents, *&c.* Incorporated, may ſue, plead, or be ſued, by the Name of Preſident and Governours for the Poor of the ſaid reſpective Places; and every of the ſaid Corporations may purchaſe or have Lands not exceeding the Value of 3000 *l. per Annum* without Licence.

XXXV. The ſaid reſpective Corporations, or any Seven of them, have Power to meet and keep Courts for the Purpoſes in this Act expreſſed, at ſuch Time and Place, as the Preſident, his Deputy, or the Treaſurer ſhall appoint, who are to warn a Court at the Deſire of any Four of the ſaid Corporation, and have Power to appoint a common Seal for the Uſe of the ſaid Corporation.

XXXVI. The reſpective Preſidents and Governors of the ſaid Corporations, or Two of them, or any Perſon appointed, may apprehend Rogues, Vagrants, ſturdy Beggars, or idle and diſorderly Perſons, within their reſpective Limits and Places, and cauſe them to be ſet and kept to work, and the Juſtices of the Peace in their *Quarter-Seſſions* may ſignifie the Names of ſuch Rogues, Vagrants, *&c.*

to

to the King's Privy Council, as they ſhall think fit to be tranſported to *Engliſh* Plantations; upon Approbation of which to the ſaid Juſtices ſignified, any Two of the ſaid Juſtices may cauſe them to be tranſported from Time to Time during the ſpace of Three Years next enſuing the End of this preſent Seſſion of Parliament, to any *Engliſh* Plantation beyond Sea, there to be diſpoſed as Servants, for a Term not exceeding Seven Years.

XXXVII. Upon Certificate from the reſpective Corporations of Want of Stock to the City of *London*, the Common-Council of the ſaid City, and reſpective Juſtices at the Seſſions, may aſcertain a Sum not exceeding a Rate of One Year's Proportion to the Poor. And thereupon the Aldermen, Deputies, and Common-Council-Men, of every Ward in *London*, and the Burgeſſes and Juſtices of the Peace in *Weſtminſter*, and Juſtices of the Peace in *Middleſex* and *Surrey*, ſhall equally rate the Inhabitants; at and upon Complaint by any Perſon of being unequally rated, he may be reliev'd at the next Quarter-Seſſions.

XXXVIII. Any Alderman of *London*, or his Deputy, or the Burgeſſes and Juſtices of the Peace of the City of *Weſtminſter*, and Liberties thereof, or any Two Juſtices of Peace of *Middleſex* and *Surrey*, by Warrant under their Hands and Seals, may authorize the Church-wardens, or Overſeers for the Poor, to demand and gather the ſeveral Sums aſſeſſed; and for Default of Payment within Ten Days after Demand, or Notice left in Writing at the Dwelling-Houſe or Lodging of the Perſons aſſeſſed, to levy the ſame by Diſtreſs and Sale of their Goods, reſtoring the Overplus to the Party diſtrein'd.

XXXIX. All Stocks formerly rais'd for the Poor, and in the Hands of a Corporation for the Poor in *London*, ſhall be paid to the Treaſurers of the ſaid Corporation made by this Act; and all that have any Stocks or Lands in their Hands for that Purpoſe ſhall be accountable to the ſaid Treaſurers, or ſuch as ſhall be appointed by them, or any Seven of them; provided all juſt Expences be allowed them.

XL.

XL. The reſpective Preſidents and Governors, or Seven of them, may make Orders and By-Laws, for relieving, regulating, and ſetting the Poor to work, apprehending and puniſhing Rogues and Vagabonds within their ſeveral Limits, provided the ſaid By Laws be preſented to, and confirmed by the Juſtices of the Peace at their *Quarter-Seſſions*.

XLI. The Preſident and Governors, or any Fourteen of them, may chooſe and entertain Officers and others needful to be imployed, about the Stock or Revenue belonging to the Corporation; and all Sheriffs and Officers to be aiding to them in the Execution of the Powers by this Act.

XLII. Two Juſtices of the Peace may appoint and ſwear New Conſtables, Headboroughs, *&c.* in Caſe of Death, or Removal of ſuch Officers out of the Pariſh; and if for want of holding Leets they continue above the Year, they may be diſcharged at the Seſſions, and others put in.

XLIII. Every Juſtice of Peace may reward any Perſons that apprehend and bring before them any

Rogue, Vagabond, or Sturdy Beggar, by granting an Order or Warrant under his Hand and Seal to the Conſtable of the Pariſh which ſuch Rogue, *&c.* paſſed through unapprehended, for Payment of 2 *s.* for every Rogue ſo apprehended, and upon Default of Payment to proceed againſt ſuch Defaulter according to the Statute, 1 *Jac. cap.* 7. and to allow out of ſaid Forfeiture the ſaid 2 *s.* and Allowance for Loſs of Time, as they ſhall think fit.

XLIV. If any Perſon ſhall apprehend a Rogue, Vagabond, or Sturdy Beggar, at the Confines of any County, which paſſed through another County unapprehended, he may go to ſome Juſtice of the Peace of the County through which ſuch Rogue or Vagabond paſſed unapprehended, who (upon Certificate under the Hand of ſome Juſtice of the Peace of the County where ſuch Rogue was apprehended) ſhall grant his Order or Warrant under his Hand and Seal to the Conſtable, to pay unto ſuch Perſons 2 *s.* and what he think fit for Expences and Loſs of Time, and upon Refuſal, to proceed againſt ſuch Conſtable for the

For-

Forfeitures by the Statute of 39 *Eliz. cap.* 4.

XLV. Conſtables, Headboroughs, and Tything-men out of Purſe, with the Church-wardens and Overſeers of the Poor, and other Inhabitants of the Pariſh, may make Rates upon all Occupiers of Lands, and Inhabitants, and all others chargeable by the Statute 42 *Eliz.* to the Poor, which being confirmed under the Hands and Seals of Two Juſtices of the Peace, may be levied by their Warrant, by Diſtreſs and Sale of the Refuſer's Goods.

XLVII. Putative Fathers of Baſtard-Children, leaving their Children upon the Pariſh oftentimes, the Church-wardens and Overſeers for the Poor of the ſaid Pariſh where the Child is born may ſeize and take ſo much of the Goods and Chattels, and of the Rents and Profits of the Lands of ſuch reputed Fathers or Mothers, as ſhall be ordered by Two Juſtices of the Peace, for and towards Diſcharge of the Pariſh, for providing for ſuch Baſtard; and by Order of the Seſſions may ſell the ſaid Goods, or ſo much thereof as the Court ſhall think fit, and ſo much of the Rents

and Profits of the Lands for the ſaid Purpoſes.

XLVII. The Defendant ſued for any Thing done upon this Act, may plead the general Iſſue, and upon Verdict for him, Nonſuit, or Diſcontinuance, ſhall recover treble Damages.

XLVIII. The Poor of the Counties of *Lancaſhire*, *Cheſhire*, *Darbyſhire*, *Yorkſhire*, *Durham*, *Cumberland*, and *Weſtmorland*, and other Counties of *England* and *Wales*, ſhall be maintained, and ſet on work within their reſpective Pariſhes, according to the Intent of this Act, and in Caſe of Default, the ſeveral Penalties herein to be incurred: And the Juſtices of the Peace in the ſaid Counties may execute all Powers there, under the like Penalties as in the Statute of 43 *Eliz. cap.* 2. to be levied therein mentioned.

XLIX. *Proviſo*, impowering the Juſtices of the Peace in their *Quarter-Seſſions* to tranſport convicted Rogues, Vagabonds, and ſturdy Beggars, to *Engliſh* Plantations beyond the Seas.

L. *Proviſo*, for ſaving the Franchiſes and Liberties of the Dean and Chap-

Chapter of *Weſtminſter*, and this Act, as to all Matters (except what relates to the Corporations) to continue till the End of the firſt Seſſion of the Parliament after the 29th of *May* 1665, and no longer.

By Stat. 22 and 23 *Car.* 2. *c.* 18. 'tis Enacted, That the Officers of the Corporations erected and conſtituted in Purſuance of the Acts 14 *Car.* 2. *cap.* 12. ſhall make quarterly Accounts to the Juſtices of Peace, and are not to raiſe any more Money upon New Certificates, till there be a juſt Account given to and allowed by the Juſtices of Peace aforeſaid: Debts contracted for the Uſes expreſs'd in the ſaid Act, ſhall upon Order from the Juſtices aforeſaid be diſcharged by the reſpective Treaſurers, and allowed in their Accounts.

No Sums to be levied upon any of the ſaid reſpective Pariſhes, ſhall in one Year exceed the Fourth Part of the Aſſeſſment to the Poor for that Year; which Sums ſhall be paid at Two ſeveral Payments to the Treaſurers, *viz.* at *Michael* and the Annunciation, or within Fourteen Days after.

No Aſſeſſment ſhall be laid on any of the Pariſhes aforeſaid, after the 29th of *September* 1675.

Nothing herein contained ſhall alter or vacate any of the Powers given, by the former Act, to the Lord Mayor and Governour for the Corporation within *London*, or the Pariſh of St. *Margaret's Weſtminſter*.

By Stat. 1 *Jac.* 2. cap. 17. The Acts of 13 & 14 *Car.* 2 entituled, *An Act for the better Relief of the Poor of this Kingdom*, (except what relates to the Corporations thereby conſtituted,) ſhall be in force from the Firſt Day of this preſent Seſſion of Parliament for Seven Years, and from thence to the End of the next Seſſion of Parliament.

And whereas Poor Perſons, at their firſt coming to a Pariſh, do commonly conceal themſelves the Forty Days intended by the ſaid Act to make a Settlement, ſhall be accounted from the Time of their Deliveries of Notice in Writing of their Houſes of Abode, and the Number of their Family, if they have any, to one of the Church-wardens or Overſeers of the Poor of the ſaid Pariſh.

Re-

Revived as to what relates to Settlements of Poor. *Per* 3 & 4 *W.* & *M. Seſſ.* 3. *c.* 11. Which is in this Treatiſe ſet forth at large at the beginning of *Chap.* 11.

Continued to all, except what relates to Corporations, *per* Stat. 4 & 5 *W.* & *M.* Seſſ. 4. cap. 24. Sect. 11.

By Stat. 5 *Annæ cap.* 34. An Act for continuing the Laws therein mentioned, relating to the Poor, *&c.*

That the Act of 13 & 14 *Car.* 2. *cap.* 12. *for the better Relief of the Poor of this Kingdom*, which by 3 & 4 *W.* & *M. cap.* 11. (as to what related to the Settlement of the Poor) was enacted to be in Force from *May* 1. 1691. but no Continuance thereby made, as to divers other Parts of the ſaid Act, which ſaid Act, *for the better Relief of the Poor*, &c. as to all Parts not continued by the ſaid Act of 3 & 4 *W.* & *M.* (except what relates to Corporations) mentioned in the ſaid Act *for the better Relief of the Poor*, was by 4 & 5 *W.* & *M. cap.* 24. continued for the ſpace of Seven Years from *Febr.* 13. 1692. and from thence to the End of the next Seſſion of Parliament; which ſaid Act by 11 & 12 *W.* 3. cap. 13. was continued for

Seven Years, from 29 *September* 1700, ſhall be in Force from 25 *March* 1707, (except what relates to the Corporations therein mentioned, and thereby conſtituted) for Seven Years, and from thence to the End of the next Seſſion of Parliament.

Vagabonds, Rogues, Beggars, and Poor People.

Stat. 39 *Eliz.* 4.

I. JUſtices of Peace within every County and Corporation, have Power in Seſſions to give Order for Erection of Houſes of Correction, and alſo for the Maintenance and Government of the ſame; and for the Puniſhment of Offenders, which ſhall be thither committed.

II. All Scholars and Seafaring Men which beg; All wandering Perſons which either beg, uſe unlawful Games and Plays, feign themſelves to have skill in Phyſiognomy, Palmiſtry, or the like, or pretend to tell Fortunes; All Perſons that are, or pretend to be Collectors for Gaols, Hoſpitals,

Hoſpitals, *&c.* All Fencers, Bearwards, common Players, and Minſtrels wandring Abroad, other than ſuch as ſhall be authorized by Noblemen, under their Hands and Seals; All Jugglers, Tinkers, Pedlars, and Petty-Chapmen wandring Abroad; All Labourers which wander and refuſe to work for Wages reaſonably taxed, having no Living otherwiſe to maintain themſelves; All Perſons delivered out of Gaols, which beg for their Fees, or otherwiſe do travel begging; All which wander Abroad begging, pretending Loſs by Fire, or otherwiſe; And all ſuch Perſons (not being Felons) wandring, and pretending themſelves to be *Egyptians*, ſhall be adjudged Rogues, Vagabonds, and ſturdy Beggars.

III. If any ſuch Vagabond ſhall be taken begging, wandering, or miſordering him or herſelf, he or ſhe, by the Appointment of any Juſtice of Peace, Conſtable, Headborough, or Tything-man there, (the Two laſt being aſſiſted by the Miniſter, and one other of the Pariſh) ſhall be ſtripped naked from the Middle upwards, openly whipped till their Body be bloody, and forthwith ſent

ſent the next Way from Pariſh to Pariſh, by the Officers of each Pariſh, towards the Place of their Birth: But if it cannot be known, then towards the Place where they dwelt, by the ſpace of one whole Year before ſuch Puniſhment; and if that cannot be known, then to the Town through which they laſt paſſed without Puniſhment; and if it cannot be diſcovered where they were born, or laſt dwelt, as aforeſaid, then are they to be conveyed by the Officer there, to the Houſe of Correction, or common Gaol of the County, to be imployed in Work, or placed in ſome Service, and ſo to continue by the ſpace of one Year; or in caſe they be not able in Body, that Town is to keep them till they may be placed in ſome Alms-houſe within the ſame County.

IV. After which Whipping, the Vagabond ſhall have a Teſtimonial under the Hand and Seal of the ſaid Juſtice, Conſtable, Head-Officer, Tything-man, and Miniſter, or any Two of them, teſtifying the Day and Place of his Puniſhment, the Place to which he is to be conveyed, and the Time limitted for his Paſſage thither;

thither; which Time, if by his own Default he exceeds, he ſhall from Time to Time incur the like Puniſhment, till he arrive at the Place limitted; the Subſtance of which Teſtimonial, ſhall be regiſtred by the ſaid Miniſter, in a Book provided for that Purpoſe, in Pain of 5 *s.*

V. If any ſuch Rogue ſeem dangerous, or will not be reformed, Two Juſtices of the Peace, (one of *Quorum*) ſhall commit him to the Houſe of Correction; and if at the next Quarter-Seſſions, by the more Part of the Juſtices there, he ſhall not be thought fit to be delivered, he ſhall by them be baniſhed, and at the Charge of that County, ſhall be conveyed to ſuch Parts beyond the Sea, as ſhall, by Six or more of the Privy-Council for that Purpoſe, be aſſigned, whereof the Lord Keeper or Treaſurer to be one; otherwiſe adjudged to the Gallies of the Realm, as the ſaid Juſtices ſhall think fit: And if a Rogue, ſo baniſhed, return without Licence, he ſhall ſuffer as a Felon, to be tryed in the County where he ſhall be apprehended.

VI. If a Conſtable, Headborough, or Tything-man, be found negligent in

in the due Execution of this Act, they ſhall forfeit 10 *s.* for every Default; and none ſhall make Reſcous againſt any Officer, or hinder the Execution of this Law, in Pain of 5 *l.* and to be bound to the good Behaviour.

VII. None ſhall tranſport ſuch a Rogue out of *Ireland*, *Scotland*, or the *Iſle of Man*, (being born in any of theſe Places) in Pain to forfeit 20 *s.* to the Uſe of the Poor where he Lands: And if any then ſhall be hereafter found in *England* or *Wales*, they ſhall ſuffer Puniſhment, and be conveyed the next Way home as aforeſaid, or (in caſe they came by Sea) to the Place where they Landed; from whence they are to be tranſported, at the Charge of that County, to the Place from whence they came.

VIII. No Impotent Poor Perſon ſhall paſs to the *Bath* or *Buxton*, without being Licenſed to paſs, by Two Juſtices of Peace where they dwell, and provided with Relief, both for their Journey and Abode there, and ſhall alſo return within the Time limitted by their Licence, in Pain to be reputed and puniſhed as Rogues: And

And the City of *Bath*, or Town of *Buxton*, ſhall not be chargeable with any ſuch.

IX. Juſtices of the Peace of the Counties ſhall not intermeddle in Cities or Corporations, but only the Officers of the ſame, who ſhall have like Power there, as the ſaid Juſtices have in Counties.

X. This Act ſhall not extend to reſtrain the Power which the City of *London* hath in the Government of Saint *Thomas* Hoſpital in *Southwark*, or to prejudice any Juriſdiction or Inheritance of *John Dutton*, of *Dutton*, in the County of *Cheſter*, Eſquire.

XI. The Forfeitures and Fines which ſhall accrue by this Act (other than that above otherwiſe limitted) ſhall be imployed for the Maintenance of Houſes of Correction, or the Relief of the Poor where the Offence ſhall be committed, at the Diſcretion of the ſaid Juſtices of Peace, and may be levyed by Warrant under the Hands and Seals of Two Juſtices of Peace, by Diſtreſs and Sale of Goods. And here the Confeſſion of the Offender, or Proof by Two Witneſſes before Two ſuch Juſtices, ſhall be ſufficient Conviction.

XII.

XII. Two Juſtices of Peace (One of the *Quorum*) ſhall have full Power to hear and determine all Cauſes which may come in Queſtion by reaſon of this Act.

XIII. The Lord Chancellor or Keeper for the Time being ſhall have Power to make Commiſſioners, to enquire of Money given towards the Erection or Maintenance of Houſes of Correction, Stocks for Poor, or other ſuch-like Uſes.

XIV. A Seafaring Man ſuffering Shipwrack, not having wherewithal to relieve himſelf, and having a Teſtimonial under ſome Juſtice of Peace his Hand and Seal near the Place where he landed, declaring the Time and Place of his Landing, the Place of his Dwelling or Birth, unto which he is to Paſs, and the Time limitted for his Paſſage, may in the direct Way Home, and within the Time ſo limitted for his Paſſage, ask and receive neceſſary Relief without incuring the Penalties of this Act.

XV. This Act ſhall not extend to Children under Seven Years Old, nor to Glaſs-men, which travel without begging, by Licences under the Hands and Seals of Three Juſtices

ces of Peace (One *Quorum*) of the County through which they travel.

XVI. *Stat.* 39 *Eliz.* 17. Wandring Soldiers and Mariners, and all others wandring as Soldiers or Mariners, which will not ſettle themſelves to work, or have not a Teſtimonial under the Hand of ſome One Juſtice of Peace near the Place of their Landing, ſetting down the Place where they landed, the Place whither they are to paſs, and the Time of their Paſſage, or having a Teſtimonial, exceed the Time therein limitted above Fourteen Days, or counterfeit Teſtimonial, or produce one which they know to be counterfeit; ſhall in all theſe Caſes ſuffer as Felons, without Benefit of Clergy.

XVII. Juſtices of Aſſize, Gaol-delivery, and of Peace, in their Seſſions, have Power to proceed againſt theſe Offenders, as in caſe of Felony, without Clergy; unleſs ſome ſufficient Man (allowed by the Juſtices) will enter into Recognizance of 10*l.* to the Queen, to retain the Offender for One whole Year, and to bring him to the next Seſſions of Peace, and Gaol-delivery after the Year ended. And if he within the Year depart

depart that Service without Licence, he ſhall afterwards ſuffer as a Felon without Clergy.

XVIII. Soldiers and Mariners, which fall ſick in their Paſſage home, ſhall be excuſed, though they exceed the Time limitted in their Teſtimonial, ſo that they perform this Act in convenient Time after their Recovery.

XIX. If when they come home they cannot get Work, the Two next Juſtices (upon their Complaint) ſhall take Order, that they may be provided of Work, or otherwiſe ſhall tax the whole Hundred for their Relief, until Work may be had.

XX. The Soldier or Mariner (licenſed by a Juſtice of Peace to whom he ſhall make his Poverty known) having not wherewith to bear his Charges home, may ask and take Relief, ſo it be in his direct Way home, and within the Time limitted by his Licence.

XXI. Theſe Offences ſhall cauſe no Corruption of Blood.

XXII. *Stat.* 1. *Jac.* 7. Noble Perſonages ſhall authorize none to go wandring Abroad; and Glaſs-men ſhall be reputed and uſed as Rogues, not-

notwithſtanding the Statute of 39 *Eliz.* 4.

XXIII. Inſtead of baniſhing an Incorrigible Rogue, or committing him to the Gallies, (as was ordained by 34 *Eliz.* 4.) he ſhall in open Seſſions be branded in the left Shoulder with a Burning-Iron, having a great Roman R upon it as broad as a Shilling, and from thence ſhall be ſent to the Place of his laſt Dwelling; if that cannot be known, to the Place of his Birth: After which Time, if he offend again, he ſhall ſuffer as a Felon, without Benefit of Clergy.

XXIV. Every Perſon that ſeeth or knoweth any Rogue to beg, ſhall convey, or cauſe him to conveyed, to the next Conſtable or Tything-man, in pain of 18*s.* to be levied and imployed as the Forfeitures of 39 *Eliz.* 4. and in Default thereof, then by the Lord of the Leet, or his Officer, in like manner as the Perſons authorized by the ſaid Statute ſhould have levyed and imployed the ſame. And here alſo, if the Conſtable or Tything-man do not puniſh him according to that Statute, he ſhall forfeit 20*s.* to be alſo levied and imployed as by the ſame Statute is appointed.

The

The Reſolution of the Judges concerning Rogues, &c. *ſet forth in the Second Book of Mr.* Lambard, *Chap. 7. Pag. 207. &c. To which the Lord* Coke, *in 2 Inſtit. 735. doth refer, which Mr.* Lambard *there ſaith, were aſcribed to her Majeſties Juſtices at* Weſtminſter.

Thus (ſaith he) *they ſtand in my Copy.*

I. A Rogue affirmeth, That he was born in ſuch a Town in ſuch a County, then ought he to be ſent thither, if it may not otherwiſe appear, that he was born elſewhere: And if he were not born there in Truth, that he is to be ſaid an incorrigible Rogue, and is to be ſent thence to the Houſe of Correction in the County to which he is ſent; and if there be none there, then to the Gaol, until the next Seſſions, there to be dealt with according to the Statute.

II. The

II. The ſame Courſe is to be obſerv'd, if it appear not where he was born, or if he untruly affirm, that he was laſt dwelling in ſuch a Town, in ſuch a County, by the ſpace of a Year, and was not.

III. If the Husband and Wife have a Houſe, and the Husband or Wife Rogue about, they ought to be ſent to the Town where that Houſe is: And ſo of an Inmate.

IV. The Wife and Children (under Seven Years of Age) being Vagrant, muſt go and be placed with the Husband. If the Husband be dead, then with the Wife where ſhe was born or dwelt: And the Vagrant Children (above Seven Years of Age) muſt be ſent to the Place of their Birth: And if the Vagrant Parents with their Children (under Seven Years) be placed at the Place of Birth of their Parents, or at the Place of laſt Dwelling (as the Caſe ſhall fall out), if afterwards the Parents or either of them die, or run away, yet the Children once ſettled, muſt remain there ſtill, and may not be ſent to their Place of Birth, though after they grow above the Age of Seven Years.

V. The

V. The Wife being a Vagrant Rogue, ought to be ſent to the Huſband, tho' he be but a Servant in another Town.

VI. The Rogue whoſe Place of Birth (or Dwelling) cannot be known, hath Wife and Children under Seven Years of Age, they muſt go with the Husband to the Place where they were laſt wilfully ſuffered to paſs without Puniſhment; where the Children muſt be relieved by the Works of their Parents, tho' the Parents be committed to the Houſe of Correction.

VII. If any (not being Rogues) ſhall travel with their Children thro' a Town, and the Father or Mother die, or run away, the Town is not bound to keep them where they die, nor to ſend them away, but only in Charity, except they become wandring Beggars.

VIII. If the Parents be able to work, and may have work, they are to find their Children by their Labour, and not the Pariſh; but if they be over-burthened with Children, it ſhall be a very good Way to procure ſome of them to be placed Apprentices, according to the Statute.

IX. No

IX. No Man is to be put out of the Town where he dwelleth, nor to be ſent to their Place of Birth, (or laſt Habitation,) but a Vagrant Rogue, nor to be found by the Town, except the Party be Impotent, but ought to ſet themſelves to Labour, if they be able, and can get Work; if they cannot, the Overſeers muſt ſet them to Labour: And ſo of them that have or ſhall have Houſes, when their Eſtates be expired, and Servants whoſe Time of Service is ended, though they cannot get Houſes: For they muſt provide themſelves Houſes a-new, if they be not Impotent.

X. Such Perſons as be of any Pariſh, and have able Bodies to work, and be no Wanderers abroad out of the Pariſh, tho' they refuſe to work at ſuch Wages as are taxed (or commonly given) in thoſe Parts, are notwithſtanding not to be ſent to the Place of their Birth, or laſt Dwelling, by the ſpace of a Year, but to the Houſe of Correction, upon Conſideration had of both the Statutes of the Poor and Rogues. But if they have any lawful Means to live by, tho' they be of able Bodies, and refuſe to work,

work, yet are they not to be ſent to the Houſe of Correction.

XI. Such as will remove or put any out of their Pariſh that be not to be put out, this is againſt the Statute concerning the Relief of the Poor, and finable: And if any have been ſo ſent, they may be ſent back again.

XII. If any be ſent to a Town whereto he ought to be ſent, and is refuſed, (being a ſturdy or an impotent Rogue,) the Perſons refuſing ſhall forfeit Five Pounds, and he that is ſo to be ſent, is to be offered to the Church-wardens and Overſeers.

XIII. To ſend the Rogues by a General Paſſport, without conveying them from Pariſh to Pariſh, is a Let to the Conveying of Rogues according to the Statute, and ſo a Forfeit of Five Pounds upon them. And to go with ſuch a Paſſport, is but ſtill to continue a Rogue, to be puniſhed by Whipping.

XIV. If the Officer will not receive a Rogue, to convey him to the Place where he was born (or dwelt), this is a Forfeiture of Five Pounds in the Officer, that ſhall not receive the Party to convey him or her over.

XV. None

XV. None may be ſuffer'd to take Relief at any Man's Door, though within the ſame Pariſh, unleſs it be by Order of the Overſeers, according to the Statute; neither may any be ſuffer'd to beg by the Highways, though in their own Pariſh.

XVI. By this Word [*Parents*] is underſtood a Father, or a Grandfather, Mother, or Grandmother, being Perſons able.

XVII. Within the Word [*Children*] is included any Child, or Grandchild being able. *Vide Stat.* 43 *Eliz. c.* 2.

XVIII. Parſons, or Vicars, *&c.* be bound (as Inhabitants) to the Relief of the Poor, as well as others that inhabit within the Pariſh.

XIX. Every one that hath Tythes impropriate, Coal-mines, or Lands in manual Occupation, *&c.* is chargeable; and ſo for ſuch as have Saleable Woods, proportioning the ſame to an Annual Benefit.

XX. If there be but One Churchwarden in the Pariſh, he ſufficeth with the other Four Overſeers.

Other Reſolutions of the Juſtices of the Aſſizes, 1633, ſet forth at large in Dalton's Juſtice of the Peace, *laſt Edit.* 162, &c. *to which this Treatiſe and others oftentimes refer.*

I. *Of inforcing Perſons able to take Apprentices.*

R. THAT the Statute of 43. *Eliz.* which ſaith, That Churchwardens and Overſeers of the Pariſh ſhall put out Children to be Apprentices, neceſſarily implieth, that ſuch as are fit muſt receive Apprentices; and the putting out Poor Children to be Apprentices is one of the beſt Ways for the providing for the Poor.

II. *Of giving Money with Apprentices.*

R. There is no Neceſſity that Money, muſt be given, but that muſt be left to the Direction of the Churchwardens and Overſeers, all Circumſtances

ſtances of Age, and Ability being conſidered; and if they cannot agree with the Party, then the Juſtices of Peace near adjoining, or in their Default the Seſſions of Peace, are to determine theſe Controverſies.

III. *What Perſons are bound to entertain Apprentices.*

R. Every Man who is by Calling or Profeſſion, or Manner of Living, that entertaineth, and muſt have Uſe of other Servants of the like Quality, muſt entertain ſuch Apprentices, wherein Diſcretion muſt be given upon due Conſideration of Circumſtances.

But Note, This is ſince otherwiſe adjudged.

IV. *Whether a Wealthy Private Perſon may be inforced to take ſuch an Apprentice?*

R. For the receiving of ſuch Apprentices, the Anſwer may be referred to the Queſtion next before: But out of doubt, every ſuch Perſon muſt contribute to the Charge, as to other Charges for the Proviſion for the Poor.

V. *When ſuch Apprentices may be put unto other Pariſhes?*

R The Juſtices may provide Maſters for them in other Pariſhes within the ſame Hundred; if the ſame Hundred be not able, then out of that Hundred in the reſt of that County, as for other Proviſion for the Poor, which muſt be at a Quarter. Seſſions.

VI. *Of Perſons refuſing to take ſuch Apprentices.*

R. If any refuſe, let ſuch a one be bound over to the Seſſions, or Aſſizes; if he refuſe to give ſuch Bond, let him be ſent to the Gaol, there to remain until he ſhall give ſuch Bond.

VII *What if he ſhall refuſe at the Seſſions, and what if the Parents refuſe*, &c.

R. If at the Seſſions or Aſſizes ſuch a one refuſeth to take an Apprentice, and his Excuſe be not allowed, it is fit he be bound to the good Behaviour; and it will be a good Courſe to indict ſuch a Refuſer for a Contempt, and thereupon to fine and impriſon him: If he refuſe to be bound to the good

good Behaviour, let him be impriſoned till he will; and the King's Book of Orders directs, That ſuch be bound with good Sureties to appear at the Council-board: And if the Parents of ſuch Poor Children refuſe to ſuffer their Children to be bound Apprentices, or being bound entice them away, themſelves not being able to maintain them, let them be committed to the Houſe of Correction.

VIII. *Is concerning mitigating Fines at the Seſſions, upon the Submiſſion of the Party indicted.*
And allowed they may impoſe a Moderate Fine.

IX. *Is to the like Purpoſe upon the Party's confeſſing the Fact.*
A like Anſwer.

X. *This is concerning a Diſcharge of all, or part of the Forfeiture, upon a Conviction for Drunkenneſs, Tippling*, &c.
Anſwered in the Negative.

XI. *This is concerning a Conſtable's breaking open an Unlicens'd Ale-*

houſe, upon a Second Conviction to apprehend the Party.

R. This Queſtion is to be adviſ'd upon, *&c.* in the Particular where it appeareth.

XII. *Of the Settlement of a Woman gotten with Child.*

R. The Place where ſuch a Woman was lawfully ſettled, is the Direction in his Caſe, not where ſhew as begotten with Child.

XIII. *A Woman gotten with Child, if her Maſter is to provide for her till her Delivery?*

R. If the Maſter has legally diſcharged his Houſe of ſuch a Servant, he is no more bound to provide for her than for any other.

XIV. *Whether the Tenants in Ancient Demeſne within a Pariſh ſhall contribute with the Guildable for Relief of Maimed Soldiers*, &c.

R. The Statute doth not diſtinguiſh between the Antient Demeſne and the Guildable in theſe Caſes; *Ubi lex non diſtinguit, ibi nec nos diſtinguimus.*

XV. *Con-*

XV. *Concerns an Indictment of Forcible Entry to be removed by* Certiorari.

R. 'Tis fit to be left to the Court of *B. R.*

XVI. *this relates to driving Cattle on the* Sunday. &c.

R. But One Forfeiture of 20 *s.* though he drives through ſeveral Pariſhes.

XVII. *Concerning Perſons able not putting themſelves to Service after Warning.*

R. Such Perſons being out of Service, and not having Viſible Means of their own to maintain themſelves without their Labour, and refuſing to ſerve as an Hired Servant by the Year, may be bound over to the next Seſſions or Aſſizes, and to be of the good Behaviour in the mean Time, or may be ſent to the Houſe of Correction.

XVIII. *Taxes for the Poor, how to be made according to the Statute.*

R. The Land within each Pariſh is to be taxed to the Charges, in

the First Place equally and indifferently, but there may be an Addition for the Personal Visible Ability of the Parishioners within the Parish, according to good Direction, wherein if there be any Mistaking, the Sessions, *&c.* or the Justices, may judge between them.

XIX. *Whither Shops, Salt-pits, Profits of a Market,* &c. *be taxable to the Poor, as well as Lands, Coal-Mines, and express'd in the Statute* 43 Eliz.

R. All Things which are real, and a Yearly Revenue, must be taxed to the Poor.

XX. *Tax for the County-stock, Gaol, and House of Correction, how to be made.*

R. If the Statute in Particular Cases give no Special Direction, it is good Discretion to go according to the Rate of the Taxation for the Poor; but when the Statutes themselves give Direction, follow that.

XXI.

XXI. *Tax for the Charges of Petty-Conſtables.*

R. It is fit to relieve the Conſtable and Tything-men, in ſuch Sort as hath been uſed in the ſeveral Places where they live.

XXII. *Concerning a Juſtice's diſcharging a Woman-ſervant with Child out of her Service.*

R. If a Woman, being with Child, procure herſelf to be retain'd with a Maſter, who knoweth nothing thereof, this is a good Cauſe to diſcharge her from her Service; and if ſhe be gotten with Child during her Service, it is all one: But the Maſter in neither Caſe muſt turn away ſuch a Servant of his own Authority. But if her Term be ended, or ſhe lawfully diſcharged, the Maſter is not bound to provide for her; but 'tis a Misfortune laid upon the Pariſh, which they muſt bear, as in other Caſes of Caſual Impotency.

XXIII. *Baſtard Children, how to be diſpos'd.*

R. The Baſtard Child muſt be placed with the Mother, ſo long

as it is within the Quality or Condition of a Nurſe-Child, which ſhall be till Seven Years of Age, and then it is fit to be ſent to the Place of its Birth to be provided for, the Mother or reputed Father not being able. And the Pariſh where the Child is born ſhall not be forc'd to contribute to the Charge as long as the Mother lives, and the Child be under Seven Years Old.

XXIV. *If Illegal Unſettlement is to be allowed?*

R. If a Man or Woman having Houſe or Habitation in One Pariſh be thruſt out, this is an Illegal Unſettling, which the Law forbiddeth; for none muſt be enforc'd to turn Vagrant: And ſuch one muſt be return'd to the Place where he or ſhe was laſt lawfully ſettled, and the Child alſo born in the Time of this Diſtraction.

XXV. *Upon an Apprentice's being put out in another Pariſh, where the Maſter dies.*

R. Servants and Apprentices are by Law ſettled in that Pariſh; and if they become impotent there, the Pariſh

Pariſh muſt abide the Adventure after their Term or Time of Service be lawfully ended.

XXVI. *What is accounted a Lawful Settling in Pariſh, and what not.*

R. That every one who is ſettled as a Native Houſholder, Sojourner, an Apprentice, or Servant, for a Month at the leaſt, without a Juſt Complaint made to remove him or her, ſhall be held to be ſettled.

Note, This is ſince alter'd by ſeveral Statutes.

XXVII. *Upon a Rogue's miſconfeſſing the Place of his Birth or Habitation, and being whipp'd, and ſent to* S. *his Birth is there known to be at* W.

R. In this Caſe it is fit to ſend ſuch a Rogue to the Place of his Birth; for this at *S.* is but a Miſtaken, and no Legal Settling.

XXVIII. *In what the Gaol may be deliver'd at the Seſſions.*

R. Of Petty-Lacenies and Petty Felonies.

XXIX.

XXIX. *Conſtable Elect refuſeth his Oath*, &c.

R. 'Tis a Contempt finable, and a Deputy is rather by Tolleration than by Law.

XXX. *Conſtable dying, how to be ſupplied.*

R. By the Lord of the Leet, Seſſions, or next Juſtices.

XXXI. *Conſtable unfit, how to be remov'd.*

R. The Juſtices may help it, and 'tis a Cauſe to ſeize a Lord's Liberty.

XXXII. *Concerning a Nurſe-Child, Scholar, Baſtard in a Gaol, Houſes of Correction.*

R. A Nurſe-Child, or a Scholar at the Grammar-School, or at the Univerſity, or Perſons ſent to the Common Gaol, Hoſpital, or Houſe of Correction, are not to be eſteem'd as Perſons to be ſettled there, more than Travellers in their Inns; but their Settling is where their Parents are ſettled. And Children born in Common Gaols, and Houſes of Correction,

rection, their Parents being Priſoners, are to be maintain'd at the Charge of the County.

XXXIII. *What Proportion ſhall Parſonages or Tythes bear to the Taxation of the Poor of the Pariſh.*

R. The Parſon, or Vicar Preſentative, ſhall bear according to the Reaſonable Value of his Parſonage, having Conſideration to the Juſt Deductions.

XXXIV. *Whether Poor Men not to be removed may be placed as Inmates for a Time?*

R. They may, by Expreſs Words of the Statute of 43 *Eliz.*

XXXV. *Concerning what Relief upon the bringing of Strangers into the Pariſh by a Pariſhioner.*

R. By taxing ſuch an one to the Charge of the Rates of the Poor, not only having reſpect to his Ability, or the Lands he occupies, but according to the Dammage and Danger he bringeth to the Pariſh by his Folly.

XXXVI.

XXXVI. *Concerning Warding in the Day-time for apprehending Rogues.*

R. Warding in the Day-time is of great Uſe, and muſt be left to the Diſcretion of the Conſtables, or Directions of the Juſtices, to vary according to the Occaſion.

XXXVII. *Concerning moderating the Number of Ale-houſes.*

And approved to be moderated.

XXXVIII. *If one procure himſelf the King's Servant Extraordinary, to avoid Conſtable.*

R. A Servant Extraordinary may well perform his Ordinary Service in the Country, according to his Quality.

Note, The Publiſher of the laſt Edition of *Dalton*, Page 161, ſays, The Authority of theſe Reſolutions are not very great, being only put to Judge *Heath* in the Circuit, and that brought them into Serjeant *Hall*; but the Judges there differing in Opinion from him in many Things, they never came to any Reſolution, and ſo they were no more than his own Private Opinion.

Vagabonds.

Stat. 7. Jac. 4.

I. THere ſhall be an Houſe of Correction provided in every Shire, to ſet Rogues and other idle People to Work.

II. The Juſtices in Seſſions ſhall from Time to Time appoint a Governour for the ſaid Houſe, who ſhall have Power to ſet ſuch Rogues and idle People to Work, and to puniſh them by moderate Whipping, or putting Fetters or Gives on them; which Rogues and idle Perſons ſhall not be chargeable to the Country, nor have other Allowance than what they ſhall deſerve by their own Labour.

III. The ſaid Juſtices ſhall, at leaſt Twice every Year within their ſeveral Diviſions, (and oftner if need be,) aſſemble and meet together for the better Execution of this Statute; and ſome Four or Five Days before their Meeting, ſhall by Warrant command the Conſtables and Tything-

thing-men of every Hundred, Town and Hamlet, (being aſſiſted with other ſufficient Men,) to make a general Privy Search in one Night within their ſeveral Precincts, for the finding and apprehending of Rogues, *&c.* and ſuch as ſhall be found, to bring them to the ſaid Meeting, to be examined, puniſhed, or ſent to the Houſe or Houſes of Correction, there to be ſet to Work.

IV. The ſaid Conſtables and Tything-men ſhall appear at the ſaid Meering, and there give an Account upon Oath in Writing, under the Maſter's Hand, teſtifying the Rogues, *&c.* they have taken in the laſt Search, or ſince the laſt Meeting, and how many have been puniſhed, or otherwiſe ſent to the Houſe of Correction: Which if they neglect to do, or ſafely to convey ſuch to the Houſe of Correction, as by the ſaid Juſtice's Warrant ſhall be committed thither, they ſhall incur what Fine the ſaid Juſtices ſhall pleaſe to ſet upon them, ſo it exceed not 40 *s.*

V. The Governours of the Houſes of Correction ſhall have ſuch a Sum of Money yearly as ſhall be thought

thought fit by the more Part of the Juſtices of Peace in Seſſions, the ſame to be paid Quarterly beforehand by the Treaſurers of the County, the Governours giving Security for their Continuance in the ſaid Service.

VI. If any Lewd Woman have a Baſtard which may be chargeable to the Pariſh, the Juſtices of Peace ſhall commit her to the Houſe of Correction, there to be puniſhed, and ſet to Work one whole Year: And if ſhe offend again, then ſhe is to be committed again, there to remain till ſhe put in good Sureties for the good Behaviour, and not to offend ſo again.

VII. Perſons running away, and leaving their Charge to the Pariſh, ſhall be deemed and puniſhed as incorrigible Rogues: And thoſe that threaten ſo to do (it being proved by Two Witneſſes upon Oath before Two Juſtices of Peace of the ſame Diviſion) ſhall be by the ſame Juſtices ſent to the Houſe of Correction, there to be puniſhed as ſturdy Rogues, (unleſs they put in ſufficient Sureties to diſcharge the Town,) and not to be delivered but at ſuch a Meeting

ing as aforeſaid, or in open Seſſions.

VIII. If the Governours ſhall not every Quarter-Seſſions yield to the ſaid Juſtices a true Account of all ſuch Perſons as ſhall be committed to their Cuſtody; or if they ſuffer any within their Charge to make Eſcape, or to be troubleſome to the Country by going Abroad, or otherwiſe, they ſhall incur what Fine the ſame Juſtices in Seſſions ſhall think fit to impoſe upon them.

IX. All Fines which ſhall accrue by this Act, (other than thoſe already limitted,) ſhall be paid to the Treaſurers of the County, and by them be accounted for.

By *Stat.* 11 & 12 *W.* 3. *Ca.* 18. If any Vagabond, Beggar, *&c.* be brought to any Conſtable or Officer with a Paſs, or other Writing, to be relieved or conveyed, ſuch Vagabond, *&c.* ſhall be taken by the Conſtable before the next Juſtice of Peace, who ſhall carefully examine ſuch Perſons, and ſend them to the Houſe of Correction, or to ſuch Town of the next County through which

which ſuch Perſons are to paſs, as he ſhall think proper, giving the Conſtable a Certificate of the Perſons ordered to be puniſhed or conveyed, with the manner how, when and whence conveyed, and with what Aſſiſtance.

The Juſtices ſhall tax the Allowance to the Conſtable on the Certificate, which being delivered to the Chief Conſtable, he is to pay out of the Gaol and Marſhalſea Money, delivering the Receipt of it to the Treaſurer of the County, who ſhall be allowed it on his Account. And if the Gaol and Marſhalſea Money have not a Surplus, the Juſtices at the Quarter-Seſſions ſhall raiſe the ſame as they do for Gaols and Bridges, and pay the Chief Conſtable a Quarterly Payment beforehand for the ſaid Purpoſe. Petty-Conſtables ſhall not charge the Place for ſuch Relief or Conveyance.

Conſtables neglecting their Duty, or to apprehend ſuch Wandring Beggars, ſhall forfeit 20 *s. &c.* to be levied by Warrant of a Juſtice of Peace, on Oath of One Witneſs.

The

The ſeveral Ridings, Diviſions of Counties, Liberties, and Towns Corporate, ſhall be taken as Counties at large, in the Execution of this Act.

By 1 *Ann. Stat.* 2 *Ca.* 13. it is Enacted, That 11 *W.* 3. *Ca.* 18. ſhall extend to all Vagrants, and the Juſtices at every Quarter-Seſſions, during the Continuance of this Act, to ſet down the Rates for the Year enſuing, to be allowed for conveying Vagrants thro' their Liberties; and the Clerk of the Peace to give each Juſtice a Copy of the Rate Gratis.

No High-Conſtable to pay the Rate taxed on Certificate brought to him by the Petty-Conſtable, unleſs he produce the Receipt of the Conſtable of the adjacent County (to whom the Vagrant was to be delivered) of his Receipt of the Vagrant. The Conſtable or other Officers neglecting their Duty to pay 20 *s.*

By 2 *Ann. Ca.* 6. Lewd aud Diſorderly Servants, Rogues, Vagabonds, and ſturdy Beggars, may be taken up, and ſent to Sea-Service, in manner as directed for Vagrants by 11 *W.* 3. *cap.* 18.

By

By *Stat.* 5 *Ann. cap.* 32. That the *Acts* 11 *&* 12 *W.* 3. *cap.* 18. *&* 1 *Ann. Stat.* 2. *cap.* 13. and every Clauſe therein relating to Vagrants, ſhall continue from the Expiration of the laſt mentioned Act for Seven Years, and from thence to the end of the next Seſſion of Parliament.

That where the Gaol and Marſhalſea Money ſhall not be ſufficient to ſatisfie Conſtables and others for their Loſs of Time, and Expences in paſſing Vagrants, the General Quarter-Seſſions ſhall aſſeſs, on every Pariſh and Place, ſuch Sums of Money as are reaſonable for Satisfaction of ſuch Allowances: The Money aſſeſſed to be levied according to the Rules by any Acts in force preſcribed for levying Money for repair of County-Bridges; and the Money ſo levied to be diſpoſed of, as by Order of ſuch Quarter-Seſſions ſhall be appointed.

Where there are Two or more Treaſurers for One County or Diviſion, the Treaſurers thereof ſhall give Obedience to ſuch Orders as ſhall be made at the Firſt General Quarter-Seſſions to be held for every County or Diviſion, for the Diſcharge of ſuch

ſuch Sums as ſhall ariſe by the conveyance of Vagrants through every ſuch County or Diviſion.

Proviſo, that ſuch Charges be levied according to the cuſtomary Rate of Gaol or Bridge Money; and that no ſuch Order ſhall be effectual till ſuch Treaſurer to whom directed have ſufficient in his Hands.

If any ſuch Perſons find themſelves grieved by Demands for Diſburſments which any the Conſtables, Headboroughs, *&c.* ſhall require of the Pariſhes or Towns, or by any Tax, or other Act relating to any the aforeſaid Demands, ſuch Perſons may appeal to the next General Quarter-Seſſions, and the Judgment of the Quarter-Seſſions ſhall conclude all Parties.

The Juſtices of the Peace, Chief Magiſtrates, and other Officers in Liberties and Towns Corporate, ſhall in certifying and conveying of Paſſengers, Vagabond-Beggars, and Idle Perſons, and raiſing and paying of Money, act in ſuch Liberties and Towns as they by the ſaid Acts were impower'd to do in Counties at large.

Priſoners

Priſoners.

Stat. Eliz. 14. *cap.* 5.

I. JUſtices of Peace in Seſſions, or the more Part of them, have Power to tax every Pariſh in the County (but not above *6 d.* or 8 *d.* apiece) towards the Relief of Priſoners; which Tax the Church-wardens of every Pariſh ſhall levy every *Sunday*, and pay it in Quarterly to the High-Conſtable, or (in a Corporation) to the Head-Officer, and the High-Conſtable or Head-Officer ſhall pay the ſame at every Quarter-Seſſions to the Collectors thereof, to be appointed by the ſaid Juſtices, who ſhall diſtribute it weekly to the ſaid Priſoners.

II. The Church-wardens, High-Conſtables, Head-Officers, or Collectors, aforeſaid, which herein ſhall be found negligent, ſhall forfeit 5 *l.* to be divided betwixt the Queen and the Priſoners.

III. Ju-

III. Justices of Peace within the County shall not intermeddle with a Corporation for the Execution of this Act, but only the Mayor and Head-Officers of the same.

IV. *Stat.* 3 *Jac.* 10. An Offender, which is to be convey'd to the Gaol, shall bear all Charges, both of himself and of those that guard him.

V. If he refuse so to do, upon a Warrant from a Justice of Peace, the Constable of the Township where he hath any Goods (being within the same County) may sell so much thereof, as in the Discretion of the said Justices shall be thought sufficient to satisfie the said Charges; the Appraisement thereof to be made by the Neighbours there, and the Overplus to be render'd to the said Offender.

VI. If the Offender hath no Goods to satisfie the Charges, the Constables, Church-wardens, and Two or Three other Honest Inhabitants, or (in case there be no such Officers there) Four of the Principal Inhabitants of the Parish where he was taken, shall make a Tax, according to which (being allowed under the Hand of a Justice of Peace) every Inhabitant,

Inhabitant ſhall pay the ſaid Charges: And upon Refuſal (by Warrant from a Juſtice of Peace) the Conſtable, Tything-man, or other Officer, hath Power to levy the ſame by Diſtreſs, and (after Appraiſement by Four Inhabitants there) to Sell the ſame, rendering the Overplus to the Party ſo refuſing.

VII. Here, if the Officer that diſtrains be ſued, he ſhall plead Juſtification: and upon Verdict for him, or Non-ſuit of the Plantiff, ſhall recover Treble Dammages, beſides Coſts of Suit.

Priſoners and Poor.

Stat. 19 Car. 2. cap. 4.

I. ENacted, That the Juſtices of Peace of the Reſpective Counties, at their General-Seſſions, may provide a Stock of ſuch Materials as they think meet for the ſetting Poor Priſoners on work, as other County-Charges, may be levied by the Law of the Land, and to provide fit Perſons to overſee the Work; provided

no Pariſh be charged above Six-pence a Week.

II. The Sheriffs of the reſpective Counties having the Cuſtody of the Gaol, with the Advice of Three Juſtices of the Peace, (One *Quorum*,) may provide other ſafe Places to remove Sick Perſons out of the Ordinary Gaols, the ſame Places to be employ'd for the Cuſtody of Priſoners there to be kept.

III. The Mayor, Bailiff, and other Head-Officer, having Cuſtody of the Common Gaol within any Corporation in this Kingdom, or *Wales*, by Advice of Three or more Juſtices of Peace of the Corporation, in Time of Infection have the like Power to remove the Priſoners, and alſo to raiſe a Stock.

IV. A New Gaol erected in the City of *Exeter*, with divers Orders and Rules concerning the ſame. See the Clauſe in the Act about it. *Salvo* to the King, &c.

Plague.

Plague.

Stat. 1 *Jac.* 31.

I. THE Mayor, Bailiffs, Head-Officers, and Juſtices of Peace, in a Corporation, or any Two of them, have Power to tax the Inhabitants there towards the Relief of ſuch as are infected with the Plague, and to make Warrant, under their Hands and Seals, for any Perſon to levy the ſaid Tax upon the Goods of ſuch as ſhall refuſe or neglect to pay the ſame; and in caſe no Goods can be found to ſatisfie the Tax, (upon the Party's Refuſal thereof), to commit him to Priſon, there to remain until the Tax be ſatisfied.

II. If the Corporation be not able to relieve the Perſons infected, upon Certificate thereof to the Juſtices of Peace of the Country thereunto adjoining, or any Two of them, by the ſaid Officers and Juſtices of the Town, or any Two of them, the ſaid Juſtices of the County ſhall have like Power to tax, levy, and

impriſon, as aforeſaid, within Five Miles Diſtance of the ſaid Corporation.

III. In Towns and Places Corporate, where there are no Juſtices, and in the Country, Two Juſtices of Peace of the County ſhall tax, levy, and impriſon, as aforeſaid, within Five Miles Diſtance of the Town or Place ſo infected.

IV. Theſe Taxes ſhall be certified in, at the next Quarter-Seſſions of the Corporation or County reſpectively, and ſhall there be order'd as by the Juſtices there, or the more Part of them, ſhall be thought fit.

V. The Conſtable, or other Officer, which wilfully neglects to levy the Tax upon a Warrant, as aforeſaid, ſhall forfeit for every ſuch Default 10 *s.* to be employ'd upon the Charitable Uſes aforeſaid.

VI. If any infected Perſon, reſiding in an infected Houſe, (after commanded by a Juſtice or other Officer,) preſume to come forth, the Watchmen may reſiſt him; and if any Hurt happen thereupon, the Watchmen ſhall not be impeach'd therefore.

VII.

VII If any Perſon having a Sore upon him go abroad, and converſe in Company, he ſhall ſuffer as a Felon; but if he have no Sore, he ſhall be only puniſhed as a Vagabond, according to the Statute of 39 *Eliz.* 4. which ſee in Vagabonds.

VIII. No Attainder of Felony by Vertue of this Act ſhall extend to Corruption of Blood, or Forfeiture of Good or Lands.

IX. It ſhall be lawful for the Juſtices of Peace and Head-Officers to appoint Searchers, Watchmen, Examiners, Keepers, and Buriers, and to miniſter unto them Oaths for the due Performance of their Offices, and to give them other Directions, as in their Diſcretion ſhall be thought fit.

X. Juſtices of Peace or Head-Officers, ſhall not (by Force of this Act) meddle in the Univerſities, Cathedral Churches, or Colleges.

Now follows ſeveral

PRECEDENTS

OF

Juſtices *Orders* and *Warrants*, relating to the *POOR*.

CONCERNING

APPRENTICES, Servants, &c.

A Warrant to put Poor Children Apprentices.

To the Church-wardens, and other the Overſeers of the Poor of the Pariſh of St. A. *in the ſaid County, and to every of them.*

M. ſſ. THESE *are* (in Her Majeſty's Name) to command you, That you do preſent unto us, or ſome of us, in Writing under your Hands, at the Houſe of *A. B.* in, &c. upon the Firſt Day of *July* next, at Nine of the Clock in the Morning of the ſame Day, the Names of all ſuch Poor Children of your ſaid Pariſh as are Orphans, or whoſe

43 Eliz. c. 2.
1 Jac. c. 25.
21 Jac. 28.
3 Car. c. 4.
Two Juſtices, One of the Quorum.

whoſe Parents ſhall not by you, or the greater Number of you, be thought able to keep and maintain them; together with the Names of the Parents of the ſaid Children, (if they have any living), and the ſeveral Ages of the Children aforeſaid: And that you do cauſe ſuch of the ſaid Children as ſhall be able to come thither, (and more eſpecially ſuch of them as by you ſhall be thought fit to be put forth Apprentices), to appear before us (at the Time and Place aforeſaid), to be by us there viewed: And likewiſe that you do then and there alſo preſent unto us (in Writing as aforeſaid) the Name of ſuch Subſtantial Inhabitants of your Pariſh to whom you ſhall think fit to put the ſaid Children, or any of them, Apprentices; and more eſpecially of ſuch of the ſaid Inhabitants as have not formerly taken ſuch Poor Children of the ſaid Pariſh Apprentices. And *laſtly*, That you do give Notice to the ſaid Inhabitants, that they are by us requir'd then and there to appear before us, to ſhew Cauſe why you (by our Aſſent) ſhall not bind ſuch of the ſaid Children Apprentices unto them, (as to you ſhall ſeem convenient),

He or ſhe to be bound Apprentice not to be of above Fifteen Years of Age. 7 Jac. 1. c. 3.

venient), unleſs they ſhall in the mean Time conſent to take and receive the ſame; and that you accordingly your ſelves be then and there alſo preſent, and have there this Precept. Of all which you are not to fail at your Perils. *Given* under our Hands and Seals the, *&c.*

Note, All Perſons, to whom the Overſeers of the Poor ſhall (according to the Statute of 43 *Eliz. cap.* 2.) bind any Poor Children Apprentices, may take, receive, and keep them as Apprentices, by 1 *Jac.* 1. *cap.* 25.

Note, It is before obſerv'd, (*Tit.* Apprentices,) that an Apprentice cannot be forced upon any Perſon not really uſing Husbandry.

A Beggar's Child may, at the General-Seſſions, be bound to ſerve any Subject of this Realm, being of Honeſt Calling, 14 *Eliz. cap.* 5. 18 *Eliz. cap.* 3. But it ſeems he may not be forc'd upon any Perſon, except Husband-men.

An Indenture for an Apprentice ſo put out.

43 Eliz. c. 2. 1 Jac. 1. c 25. 3 Car. 1. c. 4. *Two Juſtices, One of the* Quorum.

THIS *Indenture*, made the, *&c.* Day of, *&c.* in the Year of the Reign, *&c.* between *A. B.* and *C. D.* Church-wardens of the Pariſh of *E.* in the County of, *&c.* and *F. G. H. J.* Overſeers of the Poor of the ſame Pariſh, of the one Part, and *K. L.* of, *&c.* of the other Part: *Witneſſeth*, That the ſaid Church-wardens and Overſeers, by the Aſſent of Her Majeſty's Juſtices of the Peace of the ſaid County, whoſe Names are hereunto written, (according to the Form of the Statute made in the Forty-third Year of the Reign of the late Queen *Elizabeth*, entituled, *An Act for the Relief of the Poor*,) have put out and bound *M. L.* a Poor Child of the Pariſh of *E.* Apprentice to the ſaid *K. L.* till the ſaid *M. L.* ſhall come to the Age of Twenty-four Years. During which Time the ſaid Apprentice his ſaid Maſter well and faithfully ſhall ſerve, his Secrets keep, his Commandments lawful and honeſt

honeſt every where willingly ſhall do. He ſhall do no Hurt nor Dammage to his ſaid Maſter, nor conſent to be done of others, but to his Power ſhall let the ſame, or forthwith give Notice to his ſaid Maſter thereof. He ſhall not waſte the Goods of the ſaid Maſter, nor lend to any Perſon without his Conſent. He ſhall not frequent Taverns, Inns, or Ale-houſes, (except it be about his ſaid Maſter's Buſineſs there to be done.) He ſhall not (during the ſaid Term) play at Cards, Dice, or other unlawful Games. He ſhall not, either by Day or Night, abſent himſelf from his ſaid Maſter's Service; but in all Things (as a Good and Faithful Servant) ſhall demean himſelf towards his ſaid Maſter, and all his. And the ſaid *K. L.* his ſaid Apprentice, ſhall (during the Term aforeſaid) educate and bring up, or cauſe to be educated and brought up, in his Trade, with due and reaſonable Chaſtiſement; and find and allow unto him (during the ſaid Term) ſufficient, wholeſome, and competent, Meat, Drink, Lodging, Waſhing, Apparel, and all other Neceſſaries meet for ſuch an Apprentice:

tice: And in the End of the ſaid Term ſhall find, provide for, and deliver unto, his ſaid Apprentice Double Apparel; that is to ſay, Apparel meet for him to have and wear, as well on the Lord's Days as on the Working Days, both of Linen, Woollen, Hoſe, Shoes, and all other Neceſſaries meet for ſuch an Apprentice to have and wear. *In witneſs* whereof, the Parties aboveſaid to theſe preſent Indentures their Hands and Seals interchangeably have ſet, the Day and Year firſt above-written.

Sealed and deliver'd
in the Preſence of

Note, A Boy may be bound to the Age of Twenty four, and a Girl till Twenty-one, or Day of Marriage.

Another Indenture for an Apprentice.

4 & Eliz. c. 2. *Two Juſtices, One of the Quorum.*

S. ff. THIS *Indenture*, made the Second Day of *June*, in the Seventh Year of the Reign of our Sovereign Lady *Anne*, by the Grace of God, of *Great-Britain*, &c. Queen *Annoque Dom.* 1709. *Witneſſeth*, that *A. B.* and *C. D.* Overſeers

ſeers for the Poor in the Town of *P.* in the County of *S.* and *E. F.* and *G. H.* Church-wardens of the ſame Town, by and with the Conſent and Allowance of Sir *G. H.* Kt. and *J. K.* Eſq; Two of Her Majeſties Juſtices of the Peace for the ſame County, have placed, and by theſe Preſents do put, place, and bind, *L. M.* being a Poor Fatherleſs and Motherleſs Child, [*or* R. M. *Son of* L. M. *of the ſaid Town of* L. *Labourer, unable, by reaſon of his Age and great Charges, to maintain and bring up his ſaid Son,*] as an Apprentice with *N. O.* of *P.* aforeſaid, *Taylor*, and as an Apprentice with him the ſaid *N. O.* to dwell from the Day of the Date of theſe Preſents, until the ſaid *L. M.* ſhall come to and attain the Age of Twenty-four Years, [*or if it be a Girl, the Age of Twenty-one, or be married, which ſhall firſt happen,*] according to the Statute in that Caſe made and provided. During which Time and Term the ſaid *R. M.* ſhall the ſaid *N. O.* his Maſter, well and faithfully ſerve in all lawful Buſineſs, as the ſaid *R. M.* ſhall be put unto, according to his Power, Will, Ability,

Ability, and Honeſty, and obedient-ly in all Things ſhall he behave himſelf towards the ſaid *N. O.* his Children and Family. And the ſaid *N. O.* for his Part covenanteth, promiſeth, and agreeth, That the ſaid *N. O.* the ſaid *L. M.* in the Art and Skill of a *Taylor*, [*or what elſe is his Calling*,] in the beſt Manner as may or can be, ſhall teach and inform, or cauſe to be taught or inform'd, as much as thereunto belongeth, and he the ſaid *N. O.* knoweth. And alſo during all the ſaid Term, to find and allow unto his ſaid Apprentice ſufficient Meat, Drink, Linen, Woollen, Shoes, Stockings, Waſhing, Lodging, and all other Things neceſſary or meet for ſuch an Apprentice. *In Witneſs*, &c.

Note, The Church-wardens and Overſeers, and Apprentice, ought to ſeal and deliver One Part of the Indentures to the Maſter, and the Maſter the other to them; and it may be convenient that the Two Juſtices indorſe their Contents on the Back-ſide thereof (as follows).

We

We whoſe Names are ſubſcribed, Juſtices of the Peace of the, *&c.* aforeſaid, do conſent to the putting forth of the aforeſaid *R. M.* Apprentice, according to the Intent and Meaning of the Indenture aboveſaid.

A Warrant againſt them which refuſe to take Apprentices.

To the Conſtables and Borſholders of, &c.

S. ſſ. WHEREAS the Churchwardens and Overſeers of the Poor in the Pariſh of *A.* in the County aforeſaid, did by our Aſſent, by Indenture bearing Date the, *&c.* put and bind out unto *R. G.* of the Pariſh aforeſaid, *B. F.* a Poor Child of the ſaid Pariſh Apprentice, (according to the Form of the Statute in that Caſe made and provided, in the Forty-third Year of the Reign of the late Queen *Elizabeth*, entituled, *An Act for the Relief of the Poor.*) And foraſmuch as the ſaid *R. G.* doth refuſe to take, receive, and

43 Eliz. 2. *On Refuſal to be bound to good Behaviour, or indicted,* &c. Vide Dalton, 163.

and keep, the ſaid Apprentice accordingly, and doth likewiſe refuſe to ſeal the Counterpart of the ſaid Indenture: Theſe are therefore (in Her Majeſties Name) to command you, that you, ſome or one of you, do cauſe the ſaid *R. G.* to come before us, or one of us, or ſome other Juſtice of the Peace of the ſaid County, to enter into Recognizance unto Her ſaid Majeſty, condition'd for Perſonal Appearance at the next General Seſſions of the Peace to be holden at *T.* in the County aforeſaid, then and there to anſwer the Premiſſes, and farther to do and receive as the ſaid Court ſhall then conſider of him in this Behalf. Hereof fail not at your Perils. *Given* under our Hands and Seal, *&c.*

Note, It's ſaid theſe Warrants and Apprentices are limited to Husbandry, or otherwiſe cannot be forc'd upon any Perſon.

A Warrant againſt a Maſter for abuſing his Apprentice.

To the Conſtable and Borſholders of N. &c.

S. ſſ. FOraſmuch as Complaint hath been made unto me by *A. B.* an Apprentice, *&c.* againſt *C. D.* his Maſter, both of the Pariſh aforeſaid, that he the ſaid *C. D.* doth not allow unto his ſaid Servant competent Meat, Drink, and Apparel, and doth immoderately correct him without any Cauſe at all, (or turneth him out of his Houſe, and will not ſuffer him to return,) [*as the Caſe requireth*;] Theſe are therefore (in Her Majeſties Name) to command you, that ſome or One of you do cauſe both the ſaid Parties to come before me at *N.* on *Tueſday* the 20th Day of this Inſtant *June*, at Five of the Clock in the Afternoon, to the end that I may examine the ſame Matter. Hereof fail not, *&c.* *Given* under my Hand and Seal this, *&c.* 5 Eliz. c. 4.

A

A Warrant againſt a Diſorderly Apprentice.

To the Conſtable, &c.

5 Eliz. c. 4.

S. ſſ. FOraſmuch as Complaint hath been made unto me by *A. B.* Smith, againſt *C. D.* his Apprentice, both of your Pariſh of *N.* in this County, that the ſaid *C. D.* is a ſtubborn and diſobedient Servant, and doth very much misbehave himſelf towards his ſaid Maſter, [or that the ſaid *C. D.* hath departed from his ſaid Maſter, *&c.*] Theſe are therefore, *&c.* as before.

A Warrant againſt one that departeth out of Service before his Time expired.

To the Conſtable and Borſholders of, &c.

S. ſſ. WHereas Complaint hath been made unto me this preſent Day, by *A. B.* of, *&c.* That one *C. D.* having been bound and put Apprentice to him, the ſaid *A. B.* is now lately, contrary to Law, departed from his ſaid Maſter without his Licence, or other lawful Diſcharge. Theſe are therefore (in Her Majeſties Name) to charge and command you, that you, or ſome or one of you, do attach the ſaid *C D.* when and where he ſhall be found within your ſeveral Limits and Precincts, and thereupon do further bring him before me, or ſome other of Her Majeſties Juſtices of and within the ſaid County, to anſwer to the Premiſes; and further to be dealt withal according to Law. *Hereof*, &c. 5 Eliz. c. 4.

Note,

Note, *It's ſaid, the Proof of the Sufficiency or Inſufficiency of the Cauſe, for which the Maſter may put away his Servant, or the Servant may depart from his Maſter before the end of the Term, ſhall be made at the Quarter-Seſſions.* 5 Eliz. cap. 4. Lamb. 601.

A Diſcharge of an Apprentice by the Juſtices.

5. Eliz. c. 4. S. ſſ. WE *B. R. H. B. J. F. R. H.* Four of Her Majeſties Juſtices of the Peace, *&c.* for the County of *S.* aforeſaid. Whereas Complaint having been made unto us by *A. B.* an Apprentice, againſt *C. D.* his Maſter, both of your Pariſh of *N.* within this County, That the ſaid *C. D.* his Maſter hath not allowed to his ſaid Servant competent Diet and Apparel befitting ſuch Apprentice, and hath ſometimes corrected him without any juſt Cauſe at all, and when he had Cauſe, corrected him above Meaſure; and we having ordered the ſaid Parties to appear before us, and having examined the Complaint

Complaint, find it to be true, and therefore we do think fit to diſcharge the ſaid Apprentice of his Apprentiſhip: And therefore do by theſe Preſents, under our Hands and Seals, pronounce and declare, That we have for the Cauſes aforeſaid diſcharged the ſaid *A. B.* the Apprentice of his Apprentiſhip, the Eighth Day of *September*, *Annoque Dom.* 1709. Given under our Hands, *&c.*

A Bond given to ſave the Pariſh harmleſs from a Child bound Apprentice by the Overſeers, at the Requeſt of a Relation.

NOverint *univerſi per Præſentes me* A. B. *de Paroch. Sanct.* C. *Dæcorum in Com.* Mid. *Gen. teneri & firmiter obligari* C. D. *&* E. F. *ſuperviſ. pauper Paroch. præd. in trigniti libris bonæ & legalis monetæ Magnæ Britanniæ ſolvend. eiſdem* C.D. *&* E.F. *aut ſuis certis Attornat. Succeſſoribus vel Aſſignat. ſuis. Ad quam quidem ſolutionem bene & fideliter faciend. Obligo me Hæredes, Executores & Adminiſtratores meos firmiter per Præſentes, ſigillo meo ſigillat. Dat. &c. Anno Dom.* 1710. The

The Condition of this Obligation is ſuch, That whereas *G. H.* at the ſpecial Inſtance and Requeſt of the above bounden *A. B.* is by Indenture bearing even Date with theſe Preſents, bound an Apprentice for Seven Years to *J. K.* of *L.* Carpenter, by the Overſeers of the Poor of the ſaid Pariſh of Saint *Clement Danes* above-named, who have given the ſaid *J. K.* 10 *l.* with him. If therefore the ſaid *A. B.* his Heirs, Executors or Adminiſtrators, ſhall, during the ſaid Term of Seven Years, ſave and keep harmleſs and indempnified the above ſaid Overſeers and their Succeſſors, and the Pariſhioners of Saint *Clement D.* aforeſaid, and every of them, of and from the ſaid *G. H.* and of and from his being chargeable and burthenſome to the ſaid Pariſh, then this Obligation to be void, or elſe to ſtand and be in full force and vertue.

It is before obſerved, how the Juſtices of Peace, *&c.* may by *Stat.* 2 *Ann. ca.* 6. put out Poor Boys of the Age of Ten Years and upwards to Sea-Service, to Subjects, Maſters or Owners of Veſſels, *&c.*

But

But by 4 & 5 *Ann. ca.* 19. no Maſter of Ship ſhall be obliged to take ſuch Apprentice under the Age of 13, and unleſs of Health and Strength; and Widows, and Executors, and Adminiſtrators of ſuch Maſter, ſhall have Power of Aſſigning ſuch Apprentice to any other Maſter of a Ship, who have not their Complement of Apprentices according to the ſaid Act, and 43 *Eliz. cap.* 2.

And that no Perſon of 18 Years of Age ſhall be exempt from her Majeſties Sea-Service, who ſhall have been in Sea-Service before they bound themſelves Apprentices.

For ſending a Servant to his Service to ſerve the Time agreed, to prevent Charge on the Pariſh.

S. ff. *To the Overſeers of the Poor for the Pariſh of* A. *in the County aforeſaid, and to every of them.*

FOraſmuch as you have complained unto us, That *B C.* being retained into Service by *D. E.* of *R*, &c. for one Year (not yet expired)

5 El. c. 4.
2 *Juſtices*
1 Quorum.

pired,) is come out of her *(or his)* Service in the ſaid Pariſh of *R.* and likely to be chargeable to the ſame: Theſe are therefore (in Her Majeſties Name) to command you, and every of you, that you, or ſome or one of you, do forthwith convey the ſaid *B. C.* to her *(or his)* ſaid Maſter (or Miſtreſs,) and deliver her *(or him)* unto him, *(or her,)* to remain with him *(or her)* until ſhe *(or he)* ſhall be from him *(or her)* lawfully diſcharged; and in caſe of Refuſal of the ſaid *D. E.* to receive the ſaid *B. C.* accordingly, that you, or ſome or one of you, do forthwith certifie us, or one of us, of the ſame, to the end that ſuch farther Proceedings may be thereupon had as by Law is required. Hereof fail not. *Given* under our Hands and Seals at *N.* the, Day of, *&c.*

A

A Warrant to levy 40 s. on the Maſter for putting away his Servant before the End of his Term.

To the Conſtable and Borſholders of N. *&c.*

S. ſſ. FOraſmuch as it appeareth unto us this Day upon Oath, That *A. B.* of your Town of *N. Husbandman*, hath put *C. D.* his Servant (lawfully retained with him) out of his Service, before the End of the Term agreed, contrary to the Law of this Realm. Theſe are therefore (in Her Majeſties Name) to charge and command you, and every of you, forthwith upon the Receipt hereof, that you levy the Sum of 40 *s.* (by him the ſaid *A. B.* forfeited by the Statute for his Offence,) by Way of Diſtreſs and Sale of the Offender's Goods, upon his not Payment thereof, rendring to the ſaid *A. B.* the Overplus, (if any be.) And that you bring with you the ſaid 40 *s.* at the next General Quarter-Seſſions of the Peace to be holden for theſe Parts

5 Eliz. c. 4.

20 *s. to the King, and* 20 *s. to the Proſecutor.* Hob. 183. 1 Croke 499.

Parts of *R.* except the ſaid *A. B.* ſhall ſhew good Cauſe to the contrary, to Her Majeſties Juſtices of the Peace at *N.* aforeſaid, upon *Tueſday* next, being the Fifth Day of this Inſtant *November*. Hereof fail not at your Perils. Given at the *General Quarter-Seſſion* of the Peace at *T.* the Second Day of, *&c. A. B. C. D. E. F. G. H.*

For not paying Wages.

To the Conſtable and Borſholders of N. &c.

S. ſſ. THESE are (in her Majeſties Name) to command you, that you, ſome or one of you, do cauſe *A. B.* to come before me, or ſome other of her Majeſties Juſtices of the Peace of the County aforeſaid, to anſwer unto ſuch Matters as ſhall be objected againſt him by *C. D.* touching his Detention of 20 *s.* due unto *C. D.* (as he ſaith) for Wages, and farther to do and receive as to Juſtice doth appertain, unleſs the ſaid *A. B.* ſhall forthwith pay unto the

the ſaid *C. D.* the Wages aforeſaid, or do otherwiſe give Satisfaction unto him for the ſame: And you are hereby alſo farther required to give unto the ſaid *C. D.* convenient Notice of the Time and Place, when and whither, and before whom you ſhall cauſe the ſaid *A. B.* to come (in Execution hereof) to the end that he may alſo be then and there preſent to make appear his Due to the Wages aforeſaid. Hereof fail not, *&c.*

A Warrant for Relief of a Man-Servant that is out of Service.

To the Conſtables, &c.

S. ſ FOraſmuch as Complaint is made unto me by *A. B.* That he being lawfully retained in the Service of *C. D.* of your Town of *E. Yeoman*, at *Lady day* was Twelve-month, and being diſcharged his Service at *Lady-day* laſt, hath been at the *Statute-Seſſions*, and cannot find himſelf a Service, and being deſtitute of Means whereby to relieve himſelf: Theſe are therefore 43 Eliz.

(in her Majeſties Name) ſtraitly to Charge and Command you, and every of you, that preſently upon the Receipt hereof you do receive the ſaid *A. B.* into your Town, and ſee him ſet on work, and provided for, according to the Statute in that Caſe made and provided. Hereof fail not, *&c.*

A Warrant (upon a Servant's leaving his Service) to find Sureties to perform his Service, or go to Gaol.

To the Conſtables, &c.

S. ff. WHereas *J. D.* being lawfully retained in Service with *O. N.* of *T. Yeoman*, is departed from his ſaid Maſter's Service before the end of his Term, without his Maſter's Leave or Licence, or without any reaſonable Cauſe, contrary to the Laws and Statutes of this Realm in that behalf provided; Theſe are therefore (in her Majeſties

5 Eliz. c. 4.

ſties Name) to command you, and every of you, that you, ſome or one of you, do attach the Body of the ſaid *J. D.* and bring him before me or ſome other of Her Majeſties Juſtices of Peace of the ſaid County, to find ſufficient Sureties well and faithfully to ſerve his ſaid Maſter according to the Covenants between them made, *&c.* And if he ſhall refuſe thus to do, that then you cauſe him to be conveyed ſafely to Her Majeſties Gaol at *T.* in the ſame County, and him to deliver to the Keeper of the ſame, together with this Warrant: Commanding alſo you the ſaid Keeper to receive him ſo delivered to you in the ſaid Gaol, and him there ſafely keep until he ſhall give ſuch Sureties as aforeſaid. Given under, *&c.*

Another more briefly againſt one that departed out of Service before his Time expired.

To the Conſtable and Borſholders, &c.

S. ſt. THESE are (in Her Majeſties Name) to command you, that you, ſome or one of you, do attach *C. D.* of *E.* and bring him before me, or ſome other Juſtice of the Peace of and within the ſaid County, to anſwer for that he is departed out of Service from *A. B.* of *C.* (his Time of Covenant with him made not being expired) contrary to the Statute in that Caſe made and provided. And farther to be dealt withal according to Law. Hereof, &c.

5 Eliz. c. 4. Crom. 195.

One Juſtice may hear and order the Controverſies between Maſter *and* Servant *touching their Departure.*

A

A Mittimus of a Servant departed from his Service before the Time expired.

To the Keeper of, &c.

S. ſſ. WHereas *R. E.* of *W.* in the County aforeſaid, *Labourer*, was lawfully retain'd in Service with *B. T.* of *W.* aforeſaid, *Yeoman*, and hath often departed from his ſaid Service, before his Term expired, without his Maſter's Leave or Licence, or any other reaſonable Cauſe, contrary to the Laws and Statutes of this Realm. Theſe are therefore (in Her Majeſties Name) to will and require you, to receive and take into your Cuſtody the ſaid *R. E.* and him ſafely to keep, until he ſhall be thence delivered by due Order of Law. And in the mean time to hold him the ſaid *R.* to ſuch Labour and Work, and give unto him ſuch Puniſhment as by the Laws is required. Giving and yielding him ſo much Maintenance as he the ſaid *R.* ſhall by his Labour or Work

deſerve or earn; and that you have the ſaid *R.* at the next *Quarter-Seſſions* to be holden at *W.* aforeſaid, together with this Warrant; unleſs he the ſaid *R. E.* ſhall before that Time in the Preſence of ſome Juſtice of the Peace find Sureties well and faithfully to ſerve his ſaid Maſter according to his Covenant; and hereof fail you not at your Peril. Given under my Hand and Seal at my Houſe at *D.* this 4th Day of, *&c.*

S. W.

A Mittimus (to the Houſe of Correction) of a diſorderly Servant, or other idle Perſon.

To the Keeper, &c.

7 Jac. c. 4. S. ſſ. I Have ſent you herewithal the Body of *C. D.* in the ſaid County, being (*an idle, diſſolute and diſorderly Fellow, or*) one that will not keep his Service, or follow any Way of Buſineſs for an Honeſt Livelihood: Theſe are therefore to will and require you to receive the ſaid *C. D.* and him ſafely keep, until

til he ſhall be thence delivered by my ſelf, or ſome other of Her Majeſties Juſtices of the Peace of this County. And in the mean time to hold him to ſuch Works, and to give him ſuch Puniſhment, by putting Fetters or Gives upon him, and by moderate Whipping him, as in good Diſcretion you ſhall find Cauſe, yielding him for his Maintenance only ſo much as he ſhall deſerve or earn by his Labour and Work, and at the next Quarter-Seſſions you have the ſaid *C. D.* together with this our Warrant. And hereof fail not at your Peril. Dated, *&c.* *T. P.*

A Mittimus of a Servant for purloining his Maſter's Goods.

To the Keeper of, &c.

S. ſſ. I Have herewith ſent you the Body of *A. B.* Servant to *C. D.* of *W. Yeoman*, for purloining certain Goods from his Maſter: Theſe are therefore (in Her Majeſties Name) to will and require you to receive and take into your Cuſto-

dy the ſaid *A. B.* and give him due Correction according to the Rules of your Houſe, and there to keep him at Labour until he ſhall be thence delivered by due Courſe of Law. And hereof fail not at your Perils. Given under my Hand and Seal, *&c.*

To fetch back a Servant for departing without Licence.

To all Conſtables, Borſholders, &c.

S. ff. FOraſmuch as *A. B.* a Servant to *C. D.* of *R. Taylor*, hath gone from his ſaid Maſter without his Lawful Licence or Teſtimonial, in the County of *W.* Theſe are therefore (in Her Majeſties Name) to require and command you, ſome or one of you, that forthwith upon Sight hereof you go with the Bearer hereof, and, as ſpeedily as may be, apprehend the ſaid *A. B.* and him to bring before me, or ſome other of Her Majeſties Juſtices of the Peace for the ſaid County, to the End that ſuch farther Proceedings may be thereupon had as by Law

2. c. 4.

is

is required. Hereof fail not, *&c.* Given under, *&c.*

A Warrant to compel a Servant to go to Service, and upon Neglect to appear at the Petty Seſſions.

To the Conſtable and Borſholders of, &c.

S. ſſ. FOraſmuch as Complaint hath been made unto us, That *A. B.* of, *&c.* now of your Pariſh of *N.* is ſuch a Perſon as by Law ought to be retained and live in Service, and yet in Contempt of the Statutes in that Caſe made and provided, and to the Evil Example of others, doth keep herſelf Maſterleſs, and lead an idle Sort of Life: Theſe are therefore (in Her Majeſties Name) to command you, that you, ſome or one of you, do on ſight hereof Require and give warning unto the ſaid *A. B.* to provide for, and betake herſelf to ſuch Service as by Law ſhe ought to do: And that within *Twenty Days* after that your Warn- 5 Eliz. c. 4. *Two Juſtices.*

Warning given, and if ſhe the ſaid *A. B.* ſhall refuſe ſo to do, then you are to bring ſuch Refuſer before ſuch of Her Majeſties Juſtices of the Peace of this County as ſhall be aſſembled at the *Sign of the Queen's-Head* in *N.* in the ſaid County, at their then next *Petty-Seſſions* there to be holden for this Diviſion, immediately after the Expiration of the ſaid *Twenty Days*, to the End ſhe may be farther proceeded againſt according to Law. Hereof fail not at your Perils. Dated at, *&c.*

Note, *Every* Unmarried Woman *fit to ſerve, being above Twelve Years Old, and under Forty, ſhall by Two Juſtices, or Chief Officer, or Two Burgeſſes, be compellable to ſerve for convenient Time and Wages, on pain of Impriſonment.*

A

A Diſcharge of a Servant from his Service within the Time agreed upon his abſenting himſelf.

S. ſſ. FOraſmuch as it appeareth unto me, That *A. B.* was retained by *C. D.* to ſerve him for a Term (not yet expired): And the ſaid *A. B.* without Conſent of him the ſaid *C. D.* hath for the Space of, *&c.* now laſt paſt abſented himſelf from the ſaid Service, and is gone into ſome Place unto the ſaid *C. D.* unknown. I therefore upon the Conſideration of the Premiſſes, and of the Equity thereof on the Part of the ſaid *C. D.* allow the Cauſe and Matter aforeſaid to be reaſonable and ſufficient to diſcharge the *C. D.* from any farther keeping the ſaid *A. B.* in his ſaid Service, and do accordingly diſcharge the ſaid *A. B.* from his Service aforeſaid. Given under my Hand and Seal at *R.* the ——Day of——*&c.* 1 *Juſtice.*

An Order of Court not to Retain a Servant without a Teſtimonial.

5 Eliz. c. 4. IT is ordered by the Court, That no Inhabitants of this City of *N.* ſhall for the future retain or take into their Service any Servant, without their firſt ſhewing a *Certificate* or *Teſtimonial* of their laſt Abode and good Behaviour in ſuch former Service or Place where ſuch Servant lived, according to the Directions of the Statute for the hiring, retaining and keeping, of Servants, in that Caſe provided, as they will anſwer the Penalty contained in the ſaid Statute.

God Save our Sovereign Lady Queen Anne.

A Teſti-

A Teſtimonial for the Diſcharge of a Servant.

MEmorandum, That *A. B.* Servant to *C. D.* of *E. Husbandman*, (or *Taylor*, &c.) in the ſaid County, is licenſed to depart from his ſaid Maſter, and is at his Liberty to ſerve elſewhere, according to the Statute in that Caſe made and provided. In *Witneſs* whereof, *&c.* 5 Eliz. c. 4.

In a Town, *to be under the Seal of the* Town, *and Two Houſholders there; if in the* County, *under the Seals of the Conſtable or Conſtables, and Two Houſholders there where he laſt ſerved.*

Alſo it muſt be Regiſtred by the Parſon, Vicar or Curate, of the Pariſh, who is to have Twopence for doing thereof.

A Maſter that retains a Servant without ſuch a Teſtimonial forfeits Five Pounds. 5 Eliz. c. 4.

But theſe Teſtimonials, &c. *are not much in Uſe at this Time.* For

For Baſtardy, where Two are Manucaptors for the Man in Cuſtody.

Bail or Recognizance.

S. ſſ. MEmorandum, *Quod decimo die Junii, Anno Regni*, &c. *Octavo, Annoque Dom'* 1709. M. R. *de* L. *in Com' præd'* Victualler, *&* E. M. *de* L. *præd'* Gen. *venerunt coram me* B. R. *Armig' uno Juſtic'* &c. *ad pacem in Com' præd' conſervand. aſſign' Et manuceperunt & uterque eorum manucepit pro* N. T. *de parochia de* B. *in Com' præd.* Husbandman, *ſub pœna viginti' libr' legalis monetæ* Mag. Brit. *quas quidem ſummas dict' Dominæ Reginæ debere conceſſerunt & uterque eorum conceſſit de bonis & catallis, terris & tenementis ſuis fieri & levari ad opus & uſum dict' Dominæ Reginæ hæred' & ſucceſſor' ſuorum ſi p' æfat.* N. T. *deſecerit in conditione indorſat'* &c.

The Condition is to be indors'd on the Back of the Recognizance.

Baſtards.

Baſtards.

A Warrant where a Maid-ſervant is gotten with Child, and from thence ſent to the Place of her Birth.

To the Conſtable, &c.

S. ſſ. FOr*aſmuch* as *W. R.* for the Space of Two Years now laſt paſt, dwelt in the Pariſh of *N.* in the ſaid County of *S.* and being there ſettled in Service with *A. B.* &c. was gotten with Child, and being ſo with Child, now ſent or convey'd to the Town of *R.* under the Colour that ſhe was there born, to the burthening the ſaid Town, and contrary to Law: Theſe are therefore (in Her Majeſty's Name) to charge and command you ſafely to convey the ſaid *W.* to *N.* aforeſaid, there to be ſet on Work, or otherwiſe to be provided for according to the Law; and that you deliver and leave, or offer to leave, the ſaid *W.* to and with ſome one of the Church-wardens and Overſeers of the Poor of the Pariſh of *N.* aforeſaid: And hereof fail you not, *&c.*

A

A Mittimus *of the Mother to the House of Correction.*

To the Constables, &c. *and to the Keeper of the House of Correction,* &c.

S. ss. FOr*asmuch* as *G. B.* hath lately had a Bastard-child: These are therefore (in Her Majesty's Name) to command you the said Constable and Burtholders, and every of you, that you, some or one of you, do take the said *G. B.* and her safely to convey to the aforesaid House of Correction, and there deliver her to the said Keeper of the same, (together with this Precept:) Commanding also you the said Keeper to receive her into the said House, and there punish and set her on Work during the Term of One Whole Year, (according to the Form of the Statute in that Case made and provided.) Hereof fail not at your Perils. Given under our Hands and Seals, *&c.* *A* Mittimus, *that it may appear if the Prisoner be Bailable or no.* Dalt. 419.

7 Jac. 1. c. 4. *Two Justices.*

If she put in Security to discharge the Parish, she cannot be punished by the Statute 7 Jac. 4. *but by* 18 El. *cap.* 3. Coke's *Magna Charta*, fol. 733. *The Cause of the Commitment ought to be mention'd in the*

A Warrant againſt the Mother (for the Second Offence) to commit her to the Houſe of Correction, and find Sureties of good Behaviour.

To the Conſtable and Borſholders, &c.

S. ſſ. FOraſmuch as *N. B.* hath lately had a Baſtard-child, and may be chargeable to the Pariſh; and foraſmuch as ſhe hath before offended in the like Kind: Theſe are therefore (in Her Majeſty's Name) to command you the ſaid Conſtables and Burſholders, and every of you, that you, ſome or one of you, do take ſaid *N. B.* and her ſafely convey to the aforeſaid Houſe of Correction, and there deliver her unto the Keeper of the ſame, (together with this Precept); commanding alſo you the ſaid Keeper to receive her into the ſaid Houſe, and there her to puniſh and ſet on work, until ſhe do put in good Security for her good Behaviour not to offend ſo again, (according to the Form 7 Jac. 1. c. 4. &c.

Form of the Statute in that Case made and provided). Hereof fail not at your Perils. Given under our Hands and Seals at, &c.

A Warrant to cause the Mother and reputed Father to appear.

To the Constable and Bursholders of, &c.

Two Justices, One of the Quorum. 18 Eliz. c. 3.

S. ff. FOrasmuch as we are inform'd, That *A. B.* of the Parish of *R.* in the County aforesaid, (within the said Parish,) hath lately been deliver'd of a Bastard-Child, (begotten and born out of lawful Matrimony,) yet living, and chargeable to the Parish aforesaid; and forasmuch as the said *A. B.* upon her Examination taken, hath charged *R. R.* of, &c. to have begotten her with Child of the Bastard-Child aforesaid: These are therefore (in Her Majesty's Name) to command you, and every of you, some or one of you, do bring the said Woman before us at the House of *O.* in *T.* in the County aforesaid, upon the Twentieth of *May*, at Ten of the Clock in the Forenoon of the same

ſame Day, to be by us farther examined touching the Premiſſes; and that you give Notice thereof unto the ſaid *R. R.* (if conveniently you can) to the End that he may likewiſe be at the Time and Place aforeſaid to make his lawful Defence therein, (if he ſhall ſo think fit). And farther, that you, ſome or one of you, do give Notice to the ſeveral Perſons, whoſe Names are here under written, that they, and every of them, are by us requir'd to appear at the Time and Place aforeſaid, to certifie their ſeveral Knowledges touching the Premiſſes; to the End that upon the Examination of the Cauſe and Circumſtance we may take ſuch Order therein as to Juſtice doth appertain. And *laſtly*, That what you ſhall do in Execution of this our Precept, you do make known unto us at the Time and Place aforeſaid. Hereof fail not at your Perils. Given under our Hands and Seals at, *&c.*

A. B. of, *&c. C. D.* of, *&c. E. F.* of, *&c.*

A Warrant againſt the reputed Father of a Baſtard-Child.

To the Conſtable, &c.

Dalt. 39.

S. ſſ. FOr*aſmuch* as upon Examination of *E. D.* of, *&c.* Single Woman, this Day taken before me, (upon Oath), it appeareth that ſhe is at preſent with Child of a Baſtard-Child, which is likely to be chargeable to the Pariſh when it ſhall happen to be born; and foraſmuch as (upon her Examination) ſhe hath confeſſed that *J. R.* of, *&c.* did beget her with Child of the Child aforeſaid, and hath before me charged him with the ſame: Theſe are therefore (in Her Majeſty's Name) to command you the ſaid Conſtable and Burſholders, that you, ſome or one of you, do cauſe the ſaid *J. R.* to come before me, or ſome one of Her Majeſty's Juſtices of the Peace of the ſaid County at, *&c.* aforeſaid, then and there to receive as by the ſaid Court ſhall be enjoin'd; and alſo that he ſhall in the mean Time

Time be of good Behaviour, as well towards Her ſaid Majeſty as towards all Her Liege People; which if he ſhall refuſe to do, that then (without expecting any farther or other Warrant) you, ſome or one of you, do ſafely convey him to the Gaol of, *&c.* and him there deliver to the Keeper of the ſame, together with this Precept; Commanding alſo you the aforeſaid Keeper to receive him into the ſaid Gaol, and him there ſafely to keep until he ſhall find ſuch ſufficient Security as aforeſaid. Hereof fail not at your Peril. Given under my Hand and Seal at, *&c.*

A Mittimus *to the Gaol of the reputed Father of a Baſtard-Child.*

To the Keeper, &c.

S. ſt. I Send you herewithal the Body of *J. R.* of *O.* Labourer, brought before me this preſent Day, and charged by *E. S.* of the ſame Town to have gotten her with Child; and for that the ſaid *J.* refuſeth to put in

in Security for his Appearance at at the next Quarter-Seſſions; and to the End he may be forth-coming when as Order ſhall be taken for the Relief and Diſcharging the ſaid Town of *O.* and for keeping of the ſaid Child when it ſhall happen to be born, according to the Statute in that Caſe made and provided: Theſe are therefore (in Her Majeſty's Name) to charge and command you, that immediately you receive the ſaid *J. R.* and him ſafely keep in your Gaol until ſuch Time as he ſhall be from thence deliver'd by due Order of Law. Hereof fail not at your Peril. Dated, *&c.*

An Order for a reputed Father of a Baſtard-Child to diſcharge the Town.

18 Eliz. c. 3. 2 Built. 341, 348, *&c.*

S. ff. WHereas *O. B.* of *B.* in the County aforeſaid, Yeoman, hath been charged to be the reputed Father of a Male Baſtard-Child, lately born at *N.* in the County aforeſaid; and the Matter being heard and examin'd by us, it appeared

peared to us by the Confeſſion of the ſaid *E. D.* herſelf, and by the Teſtimony of divers Witneſſes taken before us upon Oath, the ſaid *O. B.* to be the reputed Father of the ſaid Baſe Child; and for the better Diſcharge of the ſaid Pariſh of *N.* we do order the ſaid *O. B.* ſhall Weekly, and for every Week, from the Birth of the ſaid Child, until he ſhall accompliſh the Age of Twelve Years, or ſo long as the ſaid Child be any Ways chargeable unto the ſaid Town of *N.* pay, or cauſe to be paid, unto the Church-wardens and Overſeers of the Poor of *N.* aforeſaid, or ſome of them, towards the Relief of the ſaid Baſe Child, One Shilling and Six-pence; and at the End of the ſaid Term of Twelve Years, to pay to the Church-wardens and Overſeers of the Poor of the ſaid Town, for the Time being, the Sum of Five Pounds of lawful *Engliſh* Money, to bind the ſaid Child forth as an Apprentice to ſome Honeſt Trade or Calling. *In witneſs*, &c.

Another Order for the reputed Father of a Baſtard Child to diſcharge the Pariſh, and to ſend the Mother to the Houſe of Correction.

S. ſſ. WHereas *W. L.* of *O.* in the County aforeſaid, Single Woman, was lately deliver'd at *O.* aforeſaid, of a Baſtard-Child, named *John*, which is likely to be chargeable to the ſaid Town or Pariſh of *O.* We the Juſtices of Peace of the County aforeſaid, whoſe Names are here under-written, having, upon the Complaint of the Townſmen of *O.* aforeſaid, taken upon us the Hearing and Examination of the ſaid Cauſe, do find by divers Examinations, teſtified upon Oath before us, that the ſaid *W. L.* in the Extremity of her Travail, did accuſe *J. R.* of *O.* aforeſaid, Shoemaker, *alias* Cordwainer, to be the Father of the ſaid Baſtard-Child. *And* we do alſo farther find by divers other Pregnant Proofs nd Circumſtances upon Oath, That the ſaid *J. R.* is

the

the reputed Father of the ſaid Child; whereupon we do order and adjudge him the ſaid *J. R.* to be the reputed Father of the ſaid Baſtard Child. And we do farther order, both for the Relief of the ſaid Pariſh in Part, as alſo for the Puniſhment of the ſaid *J. R.* that the ſaid *J. R.* ſhall Weekly, and every Week, from and after the Birth of the ſaid Child, (ſo long as the Child ſhall be chargeable to the ſaid Pariſh,) until the ſaid Child ſhall attain to the Age of Twelve Years, pay, or cauſe to be paid, unto the Church-wardens and Overſeers of the Poor of the ſaid Town of *O.* for the Time being, for and towards the Keeping and Education of the ſame Child, the Sum of Two Shillings; and ſhall within Three Months after the ſaid Baſtard Child ſhall accompliſh his ſaid Age of Twelve Years, pay at or within the Church-Porch of *O.* aforeſaid, unto the Church-wardens and Overſeers of the Poor of the ſaid Town of *O.* for the Time then being, for and towards the putting out and binding forth the ſaid Child to be an Apprentice, the Sum of Four Pounds, of lawful *Engliſh* Mo-

ney; and that the ſaid *W. L.* ſo long as ſhe ſhall not keep the ſaid Child, ſhall likewiſe pay Weekly, and every Week, during the Twelve Years aforeſaid, (or ſo long as the ſaid Child ſhall be chargeable to the ſaid Pariſh,) unto the Church-wardens and Overſeers of the Poor of the ſaid Town for the Time being, the Sum of Six-pence a Week, for and towards the Maintenance and Education of the ſaid Child. And we do farther order, That the ſaid *W. L.* ſhall be ſent to the Houſe of Correction at *O.* there to be Puniſhed and ſet on Work, and there to remain for One Whole Year now next enſuing, according to the Statute and Law in that Behalf. And *laſtly*, we do order that the ſaid *J. R.* ſhall become bound in a Bond of Twenty Pounds unto *A. B.* and *C. D.* Two of the Chief Inhabitants of the ſaid Town of *O.* well and truly to perform ſo much of this our Order as doth concern the ſaid *J. R.* and is on his Part by this our Order to be done and perform'd. *In Witneſs* whereof we have hereunto ſet our Hands the 3d Day of *May*, *Anno Dom.* 1709.

Another

Another Order to relieve the Pariſh from a Baſtard, and for puniſhing the Mother and reputed Father.

S. ſſ. THE Order of us *A. B* and *C. D.* Eſquires, Two of Her Majeſty's Juſtices of the Peace of the ſaid County, (whereof One of us is of the *Quorum*,) and both reſiding in the Limits where the Pariſh Church of *N.* in the County aforeſaid is, the 30th Day of *May*, in the Year of our Lord 1709, (according to the Form of the Statute in that Caſe made and provided,) touching the Male Baſtard-Child, late born in the Pariſh of *N.* aforeſaid, of the Body of *H. O.* of the ſame Pariſh, Single Woman, (the Keeping of which ſaid Baſtard-Child hath, ever ſince the Birth thereof, been and ſtill is chargeable to the Pariſh aforeſaid, and ſo likely to continue chargeable). 18 Eliz. c. 3. *Two Juſtices, One of the Quorum.*

Firſt, (Upon our Examination of the Cauſe and Circumſtance, and due Conſideration thereof by us had,)

we do adjudge *M. L.* late of *N.* aforeſaid, Taylor, the reputed Father of the ſaid Baſtard-Child. And for Puniſhment of the ſaid Mother and reputed Father, and the better Relief of the ſaid Pariſh, we do hereby order as followeth: That is to ſay, We do order, That the ſaid Mother ſhall by the Conſtable and Burſholders of the Hundred of *R.* in the ſaid County, or by ſome or one of them, (upon ſome Day between the Hours of Nine and Twelve in the Forenoon, in the Common High-way at or near, *&c.* in the Pariſh aforeſaid,) be ſtripped naked from the Middle upwards, and then and there ſhall be tied to the Tail of a Cart or Dung Cart, and being ſo ſtripped and tied, ſhall be there openly whipped until her Body be bloody.

We do alſo order, That the ſaid reputed Father ſhall by the Conſtable and Burſholders of the Hundred aforeſaid, or ſome or one of them, (upon ſome Day, between the Hours of Nine and Twelve in the Forenoon, in the Common High-way in the Pariſh aforeſaid, over-againſt the Dwelling-houſe of *T. L.* there) be

be ſtripped naked from the Middle upwards, and ſhall then and there be tied to the Tail of a Cart or Dung-Cart, and being ſo ſtripped and tied, ſhall be from thence drawn to the Watch-houſe of *N.* aforeſaid, and on the Way well whipped, in ſuch Manner as in ſuch Caſes accuſtomed.

We do farther order, That the ſaid Mother ſhall, within Three Days next after Notice of this our Order, render her Body to the ſaid Conſtable and Burſholders, or to ſome or one of them, ready to undergo her Puniſhment before ordered.

And that the ſaid reputed Father ſhall, within Six Days next after Notice of this our Order, render his Body to the ſaid Conſtable and Burſholders, or to ſome or one of them, ready to undergo his Puniſhment before ordered.

We do likewiſe farther order, That the ſaid reputed Father ſhall, within Six Days next after Notice given unto him of this our Order, pay, or cauſe to be paid to the Overſeers of the Poor of the Pariſh aforeſaid, or to ſome or one of them, Thirty Shillings, lawful Money of *England*,

towards the Moneys by them diſburs'd (before the ſaid Notice given) for or towards the Charges of the Keeping of the ſaid Baſtard-Child, from the Time of the Birth thereof until the Time of the giving of the ſaid Notice. And that upon every *Saturday*, which ſhall be next after the End of the ſaid Six Days, until the ſaid Baſtard-Child ſhall attain to his Age of Ten Years, the ſaid reputed Father ſhall likewiſe pay unto the Overſeers of the Poor of the ſaid Pariſh for the Time being, or unto ſome or one of them, Sixteenpence, of lawful Money of *England*, towards the Charges by them diſburs'd towards the Keeping of the Baſtard-Child aforeſaid, (meaning between the End of the ſaid Six Days, and the Time that he ſhall attain unto his Age of Ten Years.)

We do farther order, That the ſaid Baſtard-Child ſhall be kept and nouriſhed by his ſaid Mother until he ſhall attain to the Age aforeſaid; and that ſhe (ſo far as ſhe ſhall be able) ſhall, during the ſaid Time, ſo keep and nouriſh the ſame.

We do *laſtly* order, That both the ſaid Mother and reputed Father ſhall (for

(for ever, from and after ſuch Time as the ſaid Baſtard-Child ſhall attain unto his ſaid Age of Ten Years) jointly and ſeverally diſcharge the ſaid Pariſh of and from all Charges whatſoever, for, touching, or concerning, the Keeping or Relieving of the ſaid Child. *In Witneſs* whereof we have hereunto ſubſcribed our Names the Day and Year firſt above-written.

A. B. C. D.

A Warrant to be written under the Order aforeſaid, for giving Notice thereof to the Mother and reputed Father.

To the Overſeers of the Poor of the Pariſh of N. *in the County aforeſaid, and to every of them.*

THESE are (in Her Majeſty's Name) to command you, and every of you, that you, ſome or one of you, do (with all convenient Speed) give, or cauſe to be given, Notice of our Order, (a Copy whereof is herewith deliver'd unto you, both unto the Mother and reputed *the ſame Effect.*

Father therein mention'd, to the End that they, and every of them, may the better obſerve and perform the ſame: And what you ſhall do in Execution of this our Precept, you, ſome or one of you, do certifie unto us, or one of us, (with all convenient Speed next after the Execution of the ſame,) to the End that farther Proceedings may be thereupon had as the Caſe ſhall require, and to Juſtice doth appertain. Given under our Hands and Seals at, &c. the 30th Day of, &c. *Anno Dom.* 1709.

A Warrant for the Puniſhment of the Mother and reputed Father of a Baſtard Child.

To the Conſtables and Burſholders of, &c.

18 Eliz. c. 3. *Two Juſtices, One of the Quorum.*

S. ſſ. WHEREAS *N. O.* of P. in the ſaid County, Single Woman, was lately deliver'd within the ſaid Pariſh of a Male Baſtard Child (begotten and born

out of lawful Matrimony,) yet living, and chargeable to the Pariſh aforeſaid, and ſo likely to continue chargeable, to the great Burthen of the ſame Pariſh, and the defrauding of the Relief of the Impotent and Aged True Poor of the Pariſh aforeſaid, and to the Evil Example and Encouragement of Lewd Life: And whereas, upon our Examination of the Cauſe and Circumſtance, (according to the Form of the Statute in that Caſe made and provided,) we have (in and by an Order by us this preſent Day made, and ſubſcribed under our Hands, touching the Baſtard-Child aforeſaid) adjudged *M. R.* late of *P.* aforeſaid, Miller, the reputed Father of the ſaid Baſtard-Child. And for Puniſhment of the ſaid Mother and reputed Father, (according to the Form of the Statute aforeſaid) we have thereby ordered, that the ſaid Mother ſhall by you, ſome or one of you, (upon ſome Day, between the Hours of Eight and Twelve in the Forenoon, in the Common High-way, at or near the Watch-houſe of *P.* in the Pariſh aforeſaid), be ſtripp'd naked from the Middle upwards, and

and then and there ſhall be tied to the Tail of a Cart or Dung-Cart, and being ſo ſtripped and tied, ſhall be there openly whipped until her Body be bloody. And that the ſaid reputed Father ſhall by you, ſome or one of you, (upon ſome Day, between the Hours of Nine and Twelve in the Forenoon, in the Common High-way in the Pariſh aforeſaid, over-againſt the Houſe of *H. D.* there,) be ſtripped naked from the Middle upwards, and then and there ſhall be tied to the Tail of a Cart or Dung-Cart, and being ſo ſtripped and tied, ſhall be from thence drawn to the Watch-houſe aforeſaid, and on the Way well whipped in ſuch Manner as is in ſuch Caſes accuſtomed. And that the ſaid Mother ſhall, within Three Days next after Notice of that our Order, render her Body to you, ſome or one of you, ready to undergo her Puniſhment before order'd. And that the ſaid reputed Father ſhall, within Six Days next after Notice of our ſaid Order, render his Body to you, ſome or one of you, ready to undergo his Puniſhment before order'd. Theſe are therefore (in Her Majeſty's Name) to command you,

and

and every of you, That in caſe the ſaid Mother and reputed Father, or either of them, ſhall ſo render her, his, or their Body or Bodies to you, or any of you, as aforeſaid, that then you, they, or he, (to whom the ſame ſhall be ſo render'd,) do (with all convenient Speed afterwards) proceed with effect to execute your, their, or his Office, according to the ſaid Purport of the Order aforeſaid, and do execute the ſame accordingly; and that what is done in the Premiſſes, you, or one of you, do (with all convenient Speed, after the aforeſaid, *&c.* Day of, *&c.*) make known unto us, or one of us, to the End that in caſe of Failure by him or her rendring his or her Body to you, or one of you, (according to the ſaid Order,) ſuch farther Proceedings may be thereupon had as to Juſtice it doth appertain. Hereof fail not at your Perils. Given under our Hands and Seals at *P.* aforeſaid, the Firſt Day of *June*, 1709.

A Warrant and Mittimus against the reputed Father for not obeying the Juſtice's Order.

To the Conſtable, &c. *and to the Keeper of,* &c.

18 Eliz. cap. 3. *By the ſame Juſtices, or if by Two others, then One to be of the* Quorum.

S. ſſ. WHereas by an Order by us made and ſubſcribed under our Hands the Firſt Day of *June* laſt paſt, touching a Male Baſtard-Child lately born in the Pariſh of, *P.* in the ſaid County, of the Body of *N. O.* of *P.* aforeſaid, Single Woman, (chargeable to the Pariſh aforeſaid,) we have adjudged *M. R.* late of *P.* aforeſaid, *Miller*, the reputed Father of the ſaid Baſtard-Child: And for Puniſhment of the ſaid reputed Father, (according to the Form of the Statute in that Caſe made and provided, among other Things in the ſaid Order contained) have ordered, That he ſhould by you the ſaid Conſtable and Burſholders, or by ſome or one of you, (upon ſome Day, between the Hours of Nine and Twelve in the Forenoon,

in the Common High-way in the Pariſh of *P.* aforeſaid, over-againſt the Houſe of *H.D.* there) be ſtripped from the Middle upwards, and then and there ſhould be tied to the Tail of a Cart or Dung-Cart, and (being ſo ſtripped and tied) ſhould be from thence drawn to the Watch-houſe of *P.* in the Pariſh aforeſaid, and on the Way well whipped, in ſuch manner as is in ſuch Caſes accuſtomed; and that he ſhould within Six Days next after Notice of our ſaid Order render his Body to you the ſaid Conſtable and Burſholders, or ſome or one of you, ready to undergo his Puniſhment before ordered. And whereas it hath been duly proved before us, that after the making of the ſaid Order, and by the ſpace of Six Days and upwards before the Day of the Date hereof, the ſaid *W. R.* (ſo as aforeſaid the reputed Father of the ſaid Baſtard-Child) had Notice of the ſaid Order, and yet notwithſtanding hath not hitherto rendred his Body to you the ſaid Conſtable and Burſholders, or any of you, according to the Purport of the ſame, and ſo hath not for his Part obſerved and performed the

the Order aforeſaid: Theſe are therefore (in Her Majeſties Name) to command you the ſaid Conſtable and Burſholders, and every of you, that you, ſome or one of you, do attach the Body of the ſaid *M. R.* and him deliver to the foreſaid Keeper of the Gaol aforeſaid, to be by him kept in the ſame without Bail or Mainpriſe, (except he ſhall put in ſufficient Surety to perform the ſaid Order, and alſo perſonally to appear at the next General Seſſions of the Peace to be holden in the ſaid County: And to abide ſuch Order as the Juſtices of the Peace of the County aforeſaid, or the more part of them, then and there ſhall take in that Behalf, if they then and there ſhall take any:) And that if at the ſaid Seſſions the ſaid Juſtices ſhall take no other Order, then to abide and perform the Order before made as is aboveſaid. Commanding alſo you the ſaid Keeper of the Gaol aforeſaid to receive then the ſaid *M. R.* into the ſame, and him there ſafely to keep, according to the Purport and Tenour of this Precept. Given under

Upon Refuſal to obey the Order to be committed.

our

our Hands and Seals at P. aforeſaid, the laſt Day of *June*, *Anno Dom.* 1709. *Annoque Regni Dominæ Annæ, Magnæ Britanniæ, Franciæ & Hiberniæ, Reginæ* 7°.

An Order for Relief of the Pariſh, in caſe of a Baſtard, out of the Eſtate of the Reputed Father.

To the Church-wardens and Overſeers of the Poor of, &c. *and every of them.*

S. ſ. FOraſmuch as (upon your Complaint to us) it appeareth, That *J. D.* the Reputed Father (or Mother) of a Baſtard-Child born in the Pariſh aforeſaid, hath lately run away out of the ſaid Pariſh, and left the ſaid Baſtard-Child upon the Charge of the Pariſh aforeſaid, although the ſaid *J. D.* hath Eſtate ſufficient to diſcharge the ſaid Pariſh. Theſe are therefore (in Her Majeſties Name) to require and authorize you, and every of you, that you, ſome or one of you, do ſeize and take ſo much

13 & 14 Car. 2. c. 12. *Two Juſtices, One of the Quorum.*

This Order must be confirmed at the Sessions.
18 Eliz. cap. 3.
3 Car. 1. c. 4.

much of the Goods and Chattels, and receive so much of the Annual Rents and Profits of the Lands of the said *J. D.* as will amount to the Sum of, *&c.* which we do (according to the Form of the Statute in that Case lately made) order you to take and receive for or towards the Discharge of the said Parish, for the bringing up and providing for the foresaid Bastard-Child. Given under our Hands and Seals the, *&c.*

A Warrant for Punishment of the reputed Father of a Bastard-Child, for not keeping the Child, and obeying the Order.

To the Constables, &c. *and to the Keeper of,* &c.

S. ff. WHereas upon our Examination of the Cause and Circumstances, and due Consideration thereof by us had, touching a Male Bastard-Child late born in the Parish of *O.* in the said County, of the Body of *R. N.* of *O.* aforesaid, Single Woman, (the keeping of which said Bastard-Child was at the Time of making the said Order chargeable to the said Parish, and hath

hath ever ſince continued chargeable,) We did by an Order by us made, and ſubſcribed under our Hands the 20th of *April* laſt paſt, (according to the Form of the Statute in ſuch Caſe made and provided) adjudge *R. S.* of *N.* in the ſaid County, Taylor, the reputed Father of the ſaid Baſtard-Child; and for the Puniſhment of the ſaid reputed Father, and the better Relief of the ſaid Pariſh, we did thereby order, That the ſaid reputed Father ſhould by the ſaid Conſtable, or by the Borſholder of the Town-Borough, (within the Hundred aforeſaid,) upon ſome Day of the Market to be holden in the Town of *O.* in the ſaid County, (within the Hundred aforeſaid,) between Notice given of that our Order given unto him, and the Firſt Day of this Inſtant *M.* (and now lately paſt,) at the *Market-Croſs* in the Town aforeſaid, (between the Hours of Two and Five in the Afternoon of the ſame Day,) be ſtripped naked from the Middle upwards, and tied to one of the Poſts of the *Market-Croſs* aforeſaid, (moſt viſible to the ſaid *Market*,) and then and there openly whipped until his Body be bloody; and

and that he ſhould in ſuch convenient Time after Notice of that our Order to him given render his Body to the ſaid Conſtable and Burſholder, or one of them, (ready to undergo his Puniſhment ſo ordered,) as that the ſaid Puniſhment might be executed accordingly; and that the ſaid reputed Father ſhould pay to the Overſeers of the Poor, or one of them, Forty Shillings by them diſburſed before the ſaid Notice given for or towards the Charge of keeping the ſaid Child from the Time of its Birth; and that upon every *Monday* which (after Notice to him given of that our Order) ſhould be during ſuch Time as the ſaid Baſtard-Child ſhould be chargeable to the ſaid Pariſh of *O.* pay unto the Overſeers of the Poor of the Pariſh aforeſaid for the Time being, or to ſome or one of them, Fifteen-pence of lawful Money of *England*, towards the Charges by them diſburſed for the Relief of the Baſtard-Child aforeſaid; and that the reputed Father ſhould for ever, after ſuch Time as the ſaid Baſtard-Child ſhall firſt ceaſe to be chargeable to the ſaid Pariſh, diſcharge the Pariſh aforeſaid

ſaid of and from all future Charges whatſoever, for, touching or concerning, the Keeping or Relieving of the ſame: And whereas (after the making of the ſaid Order, and by the ſpace of SixDays and upwards, before the Day of the Date hereof) the ſaid *R. S.* had Notice of the ſaid Order, and yet hath not obſerved or performed any Part thereof, on his Part to be obſerved and performed: Theſe are therefore (in Her Majeſties Name) to Command you the ſaid Conſtable and Burſholders, and every of you, that you, ſome or one of you, do attach the Body of the ſaid *R. S.* and him to deliver to the foreſaid Keeper of the Gaol aforeſaid, to be by him kept in the ſame without Bail or Mainpriſe, (except he ſhall put in ſufficient Sureties to perform the ſaid Order, or elſe perſonally to appear at the next General Seſſions of the Peace to be holden in the ſaid County,) and alſo to abide ſuch Order as the Juſtices of the Peace of the County aforeſaid, or the more part of them, then and there ſhall take in that Behalf, (if they, then and there ſhall take any); and that if at the ſaid Seſſions the ſaid Juſtices ſhall take no other Order, then

to

to abide and perform the Order before made as aboveſaid. Commanding alſo you the ſaid Keeper of the Gaol aforeſaid, to receive then the ſaid *R. S.* in the ſame, and him there ſafely to keep, according to the Purport and Tenour of this Precept. Given under our Hands, *&c.*

A Warrant for ſending a Baſtard-Child (found wandering) to the Place of its Birth.

To the Conſtable and Burſholders of, &c.

S. ff. WHereas upon our Examination we find, That *A.D.* being the Baſtard-Child of *C.D.* and about the Age of Five Years, hath been found wandering and going up and down the Pariſh of *N.* and other Places hereabouts, and was (as we are credibly informed) born in the Pariſh of *L.* as appeareth by the Book of the ſaid Pariſh: Theſe are therefore (in Her Majeſties Name) to will and require you, that (according to the general Uſage, Cuſtom,

Cuſtom, and common Acceptance of the Law in caſe of a loſt Child) you do convey the ſame Child to the ſaid Pariſh of *L.* and that you the Church-wardens and Overſeers of the Poor of that Pariſh do take due Care, that the ſaid Child may be there provided for. Hereof fail not at your Perils. Given under our Hands and Seals, &c.

A Warrant for apprehending a Woman on Suſpicion of having murdered her Baſtard-Child.

To the Conſtable, &c.

S.ſſ. WHereas I am informed that *E. B.* hath had a Child lately born alive of her Body, and is ſuſpected to have murdered or made away the ſaid Child ſince the Birth thereof: Theſe are therefore (in Her Majeſties Name) to Charge and Command you, That immediately upon Sight hereof you do apprehend and bring the Body of the ſaid *E. B.* before me or ſome other Juſtice of the Peace of the ſaid County, 21 Jac. 1. *cap.* 27.

County, to anſwer to all ſuch Matters and Things as on the Behalf of Her Majeſties ſhall be objected againſt her touching the Premiſſes. Likewiſe you are to make diligent Search by all lawful Means to find out the Truth of the Premiſſes, and to bring before me, or ſome other Juſtice of the Peace of the ſaid County, all ſuch Perſons as can give any Information on the Behalf of Her Majeſty touching the Premiſſes. And hereof fail not, as you will anſwer the contrary at your Perils. Given under my Hand, *&c.*

A Condition for a reputed Father of a Baſtard-Child to appear at the Quarter-Seſſions.

THE Condition, *&c.* That if the above-bound *R. E.* ſhall and do perſonally appear at the next General Quarter-Seſſions of the Peace to be holden at *N.* for that Part of the County, and abide ſuch Order as the Juſtices of Peace ſhall and do then and there take and make concerning the Baſtard-Child born of

A. D.

A. D. of *B.* in the County of *S.* whereof he is accuſed to be the Reputed Father, if the ſaid Juſtices ſhall take or make any Order therein; and in Default of ſuch Order by them to be taken or made, that then, if the ſaid *R. E.* ſhall and do perform the Order therein already made by *B. R.* and *T. W.* Two of Her Majeſties Juſtices of the Peace for the County aforeſaid, that then, *&c.*

A Condition of a Recognizance for the Appearance of the reputed Father of a Baſtard-Child.

THE Condition of this Recognizance is ſuch, That whereas the Overſeers of the Poor of the Pariſh of *R.* above-mentioned, did on the Day of the Date above-written complain to the Juſtice above-named, that *W. K.* of the Pariſh aforeſaid, Single Woman, was then with Child of a Child, which when Born is likely to be a Baſtard, and chargeable to the ſaid Pariſh: And whereas the ſaid *W. K.* upon her

Examination (the Day aforeſaid) before the ſaid Juſtice, did confeſs the ſame to be true, and charged the above-bound *J. H.* to have Begotten her with Child of the Child aforeſaid. If therefore the ſaid *J. H.* do anſwer unto ſuch Matters as ſhall be objected againſt him by the ſaid *W. K.* touching the ſaid Baſtard-Child, then this Recognizance to be void, or elſe, *&c.*

The Condition of a Recognizance of one charged to be the Father of a Baſtard-Child before its Birth, to appear at the Seſſions.

THE Condition of this Recognizance is ſuch, That whereas upon Examination of *N. R.* in the ſaid County of *S.* Single Woman, lately taken before the above named Juſtice of the Peace, it appeareth that ſhe was then with Child, which (when it ſhall be Born) is likely to be chargeable to the Pariſh where it ſhall happen to be ſo Born: And whereas

whereas the ſaid *N. R.* upon her ſaid Examination did charge the within-bound *O. B.* with the Begetting her with Child aforeſaid. If therefore the ſaid *O. B.* do perſonally appear before Her Majeſties Juſtices aſſigned to keep the Peace in the County aforeſaid, at the next General Seſſions of the Peace to be holden for the ſaid County, at, *&c.* in the County aforeſaid, to do and receive as by the ſaid Court ſhall be enjoined, (and ſhall in the mean time be of good Behaviour, as well towards Her ſaid Majeſty, as alſo towards all her Liege People,) that then this Recognizance ſhall be void, or elſe it ſhall ſtand in full force.

A Bond for the Diſcharge of a Pariſh from the Charge of a Baſtard-Child Unborn.

NOverint univerſi per præſentes nos, T. B. & O. D. *de* R. *in Comitat.* S. Yeomen, *teneri & firmiter obligari* B. N. & R. B. Yeomen, *Guardian' Eccleſiæ Parochial.*

de R. *prædict. ab Anno in Ann. per ſpatium quatuordecim Annorum proximè ſequen. in Quadragint. libris bonæ & legalis Monetæ* Angliæ *ſolvend. eiſdem* B. N. *&* R. B. *& eorum ſucceſſoribus. Ad quam quidem ſolutionem bene & fideliter faciend. Obligamus nos & utrumque noſtrum per ſe pro toto & in ſolid. Hæredes, Executores & Adminiſtratores noſtros & utriuſq; noſtrum firmiter per præſentes ſigillis noſtris ſigillat. Dat. Viceſimo die* Septembris, *Anno Regni Dominæ noſtræ Annæ, Dei Gratia* Magnæ Britanniæ, Franciæ *&* Hiberniæ, *Reginæ, Fidei Defenſor.* &c. *Octavo. Annoque Domini*, 1709.

The Condition of this Obligation is ſuch, That whereas *Joan*, the Daughter of the above-named *T. B.* was lately gotten with Child by one *J. G.* as appeareth as well by the Accuſation of the ſaid *T. B.* as alſo by the open Confeſſion of him the ſaid *J. G.* and ſhe being as yet undelivered thereof, and likely to be chargeable to the ſaid Pariſh of *R.* aforeſaid; if therefore the above-bounden *T. B.* and *J. G.* or either of them, or either of their Heirs, Executors, Adminiſtrators, and Aſ-

ſigns,

ſigns, or any or either of them, do and ſhall from Time to Time, and at all Times hereafter, during the ſpace of *Fourteen* Years next enſuing the Birth of ſuch Child or Children as now is or are in the Body of the ſaid *J. B.* as yet Unborn, ſave, defend, and keep harmleſs and indempnified, the Church-wardens and Pariſhioners of *R.* aforeſaid and their Succeſſors, and every of them, from any and all manner of Charges, Coſts, Dammages and Incumbrances whatſoever, that ſhall or may at any Time or Times hereafter happen to ariſe, come, be or accrue to them the ſaid Church-wardens and Pariſhioners, and their Succeſſors for the Time being, by or through the Means of the ſaid Child or Children now in her Body, being and yet Unborn as aforeſaid, that then this preſent Obligation to be void, or elſe to ſtand in full force and vertue.

Another Condition to diſcharge a Pariſh of a Child Born there.

S. ff. THE Condition of this Obligation is ſuch, That whereas *W. R.* hath of late been delivered of a Man-Child within the Pariſh of, *&c.* above-written, to the which Child the within-bound *R. O.* by his own voluntary Confeſſion doth acknowledge himſelf to be the Father: If therefore the ſaid *R. O.* his Heirs, Executors or Aſſigns, or eve-ry or any of them, do from Time to Time, and at all Times hereafter, fully and clearly acquit, diſcharge and ſave harmleſs, as well the within-named *H. R.* and *R. H.* Church-wardens of the Pariſh Church of, *&c.* aforeſaid, and their Succeſſors for the Time being, and every of them, as alſo all the Inhabitants and Pariſhioners of the ſaid Pariſh, which now are, or hereafter ſhall be, for the Time being, and every of them, of and from all and all manner of Coſts, Charges and Expences whatſoever, which ſhall or may in any

any manner of wiſe at any Time hereafter ariſe, happen, come, grow, or be impoſed upon them, or any of them, for or by Reaſon or Means of the Birth, Education, Nouriſhing and Bringing-up of the ſaid Child, and of and from all other Actions, Suits, Charges, Troubles, Impeachments and Demands whatſoever, touching and concerning the ſame, that then, *&c.*

A Releaſe (from the Overſeers of the Poor) to one that paid Ten Pounds to be freed from keeping a Baſtard-Child.

TO *all Chriſtian People* to whom theſe Preſents ſhall come. We *B. O.* of *N.* in the Pariſh of *R.* in the County of *M.* Gent. and *R. M.* of *R.* aforeſaid, *Barber*, the now Overſeers of the Poor for the ſaid Pariſh of *R.* ſend Greeting. Whereas there was lately a Baſtard-Child Born within the ſaid Town of *R.* Begotten on the Body of one *R. B.* And whereas *J. F.* of *D.* in the Coun-

ty of *S.* Baker, is adjudged the Reputed Father thereof: And whereas it is agreed by and between the ſaid *B. O.* and *R. M.* and the reſt of the Inhabitants of the ſaid Town of *R.* and the ſaid *J. F.* that for and in Conſideration of the Sum of 10 *l.* of lawful Money of *England*, to be paid to us the Overſeers for the Poor by the ſaid *J. F.* We the ſaid Overſeers and our Succeſſors, and the reſt of the Inhabitants of the ſaid Town of *R.* ſhould provide for, take care of, and maintain the ſaid Child, and ſave harmleſs and indempnifie the ſaid *J. F.* of and from the keeping and maintaining it, and of and from all Taxes, Charges and Payments, now already, or hereafter to be taxed or charged upon the ſaid *J. F.* for and in reſpect thereof. *Now know ye*, That we the ſaid *B. O.* and *R. M.* have according to and in full of the ſaid Agreement had and received of the ſaid *R. E.* the Sum of 10 *l.* and do, by and with the Conſent and Direction, and for and on the Behalf of our ſelves, and the reſt of the Inhabitants of the ſaid Town of *R.* acquit, releaſe, and for ever diſcharge, and free him the ſaid

ſaid *J. F.* of and from the ſaid Sum of 10 *l.* and from the keeping or maintaining the ſaid Child, and of and from all Charges, Taxes and Payments, now already or hereafter to be charged or taxed upon him the ſaid *J. F.* to or for the ſame. *In Witneſs* whereof we the ſaid *B. O.* and *R. M.* have hereunto ſet our Hands and Seals at *N.* aforeſaid, the Firſt Day of *September*, *Anno Domini* 1709.

A Teſtimonial and Charitable Requeſt from Juſtices of the Peace for Poor Men that have had Loſs by Fire.

S. ſſ. TO *all* Chriſtian People to whom this preſent Writing or Teſtimonial ſhall come to be ſeen, heard or read; *A. B. C. D.* and *E. F.* Eſquires, Three of the Juſtices of the Peace within the ſaid County of *S.* ſend Greeting. Whereas it is both Godly, and Conſonant to Chriſtian Charity, in Matters doubtful and ambiguous, to certifie and report the Truth, We have thought it our

Duty, (at the earneſt and lamentable Suit and Petition of our loving Neighbours, the Bearers or Bringers hereof, *G. H. I. K. L. M. &c.*) to publiſh and declare unto your common Knowledge, That on the Tenth of *M.* laſt paſt, between Three and Four of the Clock in the Morning, by Caſualty and great Miſchance by Fire, as well their ſeveral Dwelling-Houſes, to the Number of, *&c.* and all other Edifices and Buildings to every of their ſaid Dwelling Houſes belonging; and alſo all their Corn, and moſt of their ſeveral Goods and Houſhold-ſtuff, were conſumed, waſted and burnt, to the great Danger of the Bodies of them and their Families, and their exceeding great Loſs and Impoveriſhment. *And* forasmuch as it is a Godly and Charitable Deed to further, help and relieve, ſuch poor, needy and miſerable, Perſons, (being of honeſt Name, Fame and Converſation,) as they who have ſuffered this great Loſs: And for that the Bearers hereof, in Behalf of themſelves and their Neighbours, are inforced by reaſon of their Loſſes to ſeek for Help and Succour for their Relief. And we knowing their

their Eſtate to be ſuch as is premiſed, and moved with Commiſeration of their ſad Eſtate and Condition, *Have* therefore, as much as in us lyeth, given Licence unto them, and every of them, to make their repair from Pariſh-Church to Pariſh-Church, and to every Pariſh-Church and Chapel, Town and Place, within the County of *S.* to ask, receive and take, the Charitable Benevolence of all Good and Well-diſpoſed People towards the Recovery of their ſaid great Loſſes. *And* our Requeſt farther is, That you, and every of you, to whom they ſhall repair, do extend your loving Favour and Charity unto them, permitting them without your Denial to execute the Tenour of this our Licence; deſiring all Eccleſiaſtical Perſons, to whom theſe diſtreſſed Perſons ſhall make their Addreſs in this Behalf, to declare the Tenour hereof to their Pariſhioners in every of their Pariſh-Churches and Chapels on every *Sunday*, or other Feſtival Days, exhorting them to extend their Charity in this Behalf; and thoſe whom it concerns, to aid and aſſiſt them in the Collection there-

thereof. In Witneſs, *&c. ut in aliis.*

Another Charitable Requeſt made by Juſtices of the Peace for the Relief of one Perſon only who had lately been ruined by Fire.

S. ſſ. WE whoſe Names are hereunto ſubſcribed, Her Majeſties Juſtices of the Peace of the County of *S.* having received credible Information that *R. L.* of the Pariſh of *K.* in the County aforeſaid, *Yeoman*, upon the —— Day of —— laſt paſt, (by a ſudden Fire happening in his Dwelling-houſe in the ſaid Pariſh,) had his Goods (to the Value of Fifty Pounds) ſuddenly burnt and conſumed, (to the utter undoing him, his Wife and Children) unleſs he be relieved by the Charity of Well-diſpoſed People. *We* therefore taking the ſaid Loſs into Conſideration, and much commiſerating the ſame, *Do*, upon the aforeſaid humble Petition of the ſaid *R. L.* (ſo far forth as lawfully we may,) earneſtly recommend his ſaid ſad Condition

to

to the Charitable Conſideration and Benevolence of all Well-diſpoſed People inhabiting within the Pariſh aforeſaid, deſiring them to contribute (what God ſhall move their Hearts unto) towards his Help and Relief, therein deſiring alſo the Miniſter and Church-wardens of the Pariſh aforeſaid to promote the ſaid Charitable Work. Given under our Hands, *&c.*

A Certificate for obtaining a Brief upon a Loſs by Fire.

To the Right Honourable William *Lord* Cowper, *Baron of* Wingham, *Lord High Chancellor of* Great Britain.

WE Her Majeſties Juſtices of the Peace of the County of *S.* do certifie your Lordſhip, That at Her Majeſties Court of General Quarter-Seſſions of the Peace holden at *M.* for the ſaid County of *S.* on *Monday* the 9th of *March* laſt paſt, it did then and there appear unto us the ſaid Juſtices ſitting in open Court, as well upon the

the Oaths of *A. B.* and *C. D.* Carpenters, and *C. D.* and *E. F.* Bricklayers, as alſo upon the Oaths of *G. H.* and *J. K.* Two of the moſt Subſtantial Inhabitants of the Town of *W.* within the ſaid County of *S.* That on *Monday*, the 28th Day of *February* laſt paſt, between Eight and Nine of the Clock in the Evening of the ſame Day, by Caſualty and great Miſchance, a Sudden and Terrible Fire did break forth at the ſaid Town of *W.* which by reaſon of the Fierceneſs thereof (within the Space of Six Hours) burnt down and conſumed the Dwelling-houſes, Barns, Stables, Cow-Houſes, and Out-houſes, of above Ten of the Inhabitants of the ſaid Town of *W.* together with their Corn, Hay, and moſt of their ſeveral Goods and Houſhold-ſtuff, to the great Danger of the Bodies of them and their Families, and to their exceeding great Loſs and Impoveriſhment: And that the whole Loſs ſuſtain'd thereby did amount to 3000 *l.* and upwards; ſo that the ſaid Inhabitants with their Families are totally impoveriſh'd, and are no Ways able to ſubſiſt, but muſt neceſſarily periſh, unleſs they ſhall be timely

timely reliev'd by the Charitable Benevolence of Well-diſpoſed People. And we do farther certifie, That we have taken Bond of ſeveral of the Inhabitants, that no Part of the Money collected ſhall be applied to the Benefit of any Landlords, or other Perſon of Ability, either in rebuilding his Houſe, or otherwiſe, nor that the ſaid Inhabitants ſhall aſſign over their Collections to any other Perſon or Perſons whatſoever. *In Witneſs*, &c.

Houſe of Correction.

Vide Rogues.

A Warrant and Directions for a a General Privy-Search.

To the Conſtable and Burſholders of, &c.

S. ſſ FOr*aſmuch* as it is obſerved, That (for want of due Execution of the good Laws and Statutes of this Realm, made and provided for the Apprehending and Puniſhing of Rogues, Vagabonds, Sturdy Beggars,

Two Juſtices. 39 Eliz. c. 4, & 5. 7 Jac. 1. c. 4. Dalt. 113.

gars, and other Wandering and Idle Perſons,) the Number of them does daily encreaſe within this Diviſion, to the great Prejudice of the Inhabitants therein: (For the better Prevention whereof for the future, and of Robberies, Burglaries, and other Felonies and Miſdemeanors, often occaſion'd thereby,) Theſe are therefore (in Her Majeſties Name) to command you, and every of you, diligently to obſerve and perform our Directions in the Premiſſes herewith ſent unto you, as you, and every one of you, will anſwer to the contrary at your Perils. Giving you farther hereby to underſtand, that we ſhall from Time to Time require a Strict Account of your due Obſervance and Execution of the ſame; and in caſe of Negligence of you, or any of you, therein, we ſhall forthwith (upon Knowledge thereof) proceed with Effect (according to Law) to puniſh ſuch of you as ſhall ſo neglect the ſame. Given under, *&c.*

1. That you do henceforth take Special Care to apprehend all Rogues, Vagabonds, Sturdy Beggars, and other Wandering and Idle Perſons, and

and puniſh and paſs them away according to Law.

2. That you do in one Night, within every Week between the Date of the Precept aforeſaid and our next Meeting, make a General Search within the ſaid Hundred, in all Suſpicious Places, for the finding out and apprehending of all Rogues, Vagabonds, Sturdy Beggars, and other Wandering and Idle Perſons, and ſuch as in the ſaid Search you ſhall find and apprehend, that you do puniſh and paſs them away according to Law.

3. That you do cauſe Watches to be duly kept in fitting Places of the ſaid Hundred, by Honeſt and Able Men of the ſame, every Night, from Sun-ſetting until Sun-riſing, from *Aſcenſion-day* until the Nine and Twentieth Day of *September* next enſuing, according to the Statute made at *Weſtminſter* in the Thirteenth Year of the Reign of the late King *Edward* I.

Watch to be kept in every Town from Aſcenſion *to* Michaelmas.

4. That you do forthwith bring before us, or ſome one of us, or ſome other of Her Majeſties Juſtices of the Peace of the ſaid County, all ſuch Rogues, Vagabonds, Sturdy

Sturdy Beggars, and other Wandering and Idle Perſons, as you ſhall apprehend by Day or Night, and conceive to be more than ordinarily dangerous, or to be ſuſpected for any Murther, Robbery, Burglary, Felony, or other Miſdemeanor, to the End they may be farther dealt withal as to Juſtice doth appertain.

5. That you do from Time to Time (and more eſpecially at every of our Aſſemblies or Meetings herein after-mention'd) preſent unto us the Names of all ſuch Perſons within the ſaid Hundred as be Maſterleſs, or live out of Service, or be common Ale-houſe Haunters, or Expenders of their Money in Riot, (not duly labouring for their Living, and not having whereby ſo to maintain them).

6. And the Names of all Unlicenſed Ale-houſe-keepers within the ſaid Hundred, or notoriouſly ſuſpected ſo to be.

7. Together with the Names of ſuch Licenſed Ale-houſe-keepers within the ſame as are of Evil Behaviour, or do ſuffer Evil Rule, Gaming, or other Diſorder, to be kept in their ſaid Houſes.

8. And

8. And the Names of ſuch Witneſſes as can or will teſtifie the Keeping of any ſuch Ale-houſe unlicens'd, or the Evil Behaviour thereof, or ſuffering Evil Rule, Gaming, or other Diſorder, by any of the ſaid Licenſed Ale-houſe-keepers.

9. And that you do give Notice unto all and every the ſaid Witneſſes, that they and every of them are by us requir'd to appear before us accordingly, to teſtifie their ſeveral Knowledges touching the ſame.

10. And that you do likewiſe give Notice unto all and every the ſaid Perſons ſo by you to be returned, all Perſons out of Service, Roitous Spenders, Unlicenſed Ale-houſe-keepers, or Diſorderly Licenſed Ale-houſe-keepers, that they, and every of them, are by us requir'd to appear before us, or ſome of us, as aforeſaid, to anſwer the Premiſſes, and farther to do and receive as to Juſtice doth appertain.

11. That you do from Time to Time, at every of our ſaid Aſſemblies or Meetings, deliver unto us, or ſome of us, in Writing, an Account of what you have done in Purſuance of the Directions before mentioned.

12. That

7 Jac. 1. c. 4. *The Search to be made Twice in every Year at the leaſt.*

12. That (taking Aſſiſtance of ſufficient Men of the ſaid Hundred) you do in the Night before every of our Days of Aſſembling or Meeting hereafter mention'd, that is to ſay, [*Here put the Days of Meeting of the Juſtices,*] make a General Privy Search within every of the Pariſhes, Villages and Hamlets, within the ſame, for finding out and apprehending of all Rogues, Vagabonds, and Wandering and Idle Perſons, in and about the ſaid Pariſhes, Villages, and Hamlets; and that ſuch Rogues, Vagabonds, and Wandering and Idle Perſons, (as you ſhall then find and apprehend in the ſaid Search,) you do cauſe to be brought before us, or ſome of us, on the Day, and at the Place of our Aſſembly or Meeting aforeſaid, at Ten of the Clock in the Forenoon of the ſame Day, there to be examined of their Idle and Wandering Life, and to be farther dealt withal according to Law.

13. And that you be then and there alſo ready to give Account and Reckoning (upon Oath in Writing, and under the Hand of the Miniſter of each reſpective Pariſh, what Rogues, Vagabonds, and Diſorderly Perſons, you

you have apprehended within the ſaid Search, and alſo between every ſuch Aſſembly and Meeting; and how many have been by you puniſh'd, or otherwiſe ſent unto the Houſe of of Correction, (*according to the Form of the Statute in that Behalf made in the Seventh Year of the Reign of the late King* James I.) and upon ſuch Fines, Pains, and Penalties, as are in the ſaid Statute contain'd (in caſe you, or any of you, do neglect to perform what is in this Behalf before commanded).

Laſtly, That upon ſome Day (about Three or Four Days before every of our ſaid Aſſemblies or Meetings) you the ſaid Conſtable and Burſholders do meet and conſult together, touching the making of your Return to us of what you have done between every ſuch our Aſſembly or Meeting; and do alſo then agree how to divide your ſelves in your then next Search, and where to meet in the Morning then next following, for your more ready giving to us your Account of what you have done in the ſaid Search.

A Mittimus of a Rogue to the Houſe of Correction, taken in a General Search.

To the Conſtable and Burſholders of the Hundred of A. and to every of them, and to the Keeper of the Houſe of Correction for the ſaid County at B. *in the County aforeſaid.*

7 Jac. 1. c. 4. S. ff. FOraſmuch as it appeareth unto me, that *N. G.* of, *&c.* is of Lewd Life, *&c.* Theſe are therefore (in Her Majeſties Name) to command you the ſaid Conſtable and Burſholders, and every of you, that you, ſome or one of you, do take the ſaid *N. G.* and him [or her] ſafely convey, or cauſe to be conveyed, to the aforeſaid Houſe of Correction, and there deliver him [or her] to the ſaid Keeper of the ſame, there to be puniſh'd and ſet on Work during the Space of, *&c.* delivering alſo to the ſaid Keeper this Precept: Commanding likewiſe you the ſaid Keeper to receive *N. G.* into

to the ſaid Houſe, and him [or her] there to puniſh and ſet on Work (according to the Tenour of this Precept). Hereof fail not at your Perils. Given under my Hand and Seal at, *&c.*

Of an Idle Perſon out of Service, &c.

To the Conſtable, &c.

S. ſſ. FOR*aſmuch* as G. *B.* of, *&c.* is an Idle and Diſorderly Fellow: Theſe are therefore (in Her Majeſties Name) to command you the ſaid Conſtable and Burſholders, that you, ſome or one of you, do ſafely convey the ſaid *G. B.* to the aforeſaid Houſe of Correction, and him there deliver to the ſaid Keeper of the ſame, together with this Precept: Commanding alſo you the ſaid Keeper to receive him into the ſaid Houſe, and there ſet him to Work and Labour from Time to Time, by the Space of, *&c.* next after ſuch his Delivery unto you; in the mean Time to puniſh him according

39 Eliz. *c.* 4, & 5. Dalt. 113. 7 Jac. 1. *c.* 4,

ding to Law. Hereof fail not at your Perils. Given under my Hand and Seal at, &c.

Note, It may be as follows;

Dalt. 113. *Two Juſtices.* Co. 2 *Inſt.* 730. 7 Jac. 1. c. 4.

Foraſmuch *as* G. B. *is an Idle, Diſſolute and Diſorderly Fellow,*
One that will not keep his Service,
Follow any Honeſt Courſe of Life,
Sturdy Beggar,
Idle and Diſorderly Perſon,
Of Evil and Diſorderly Life and Converſation,
Liveth idly out of Service, (notwithſtanding our Command to the Contrary,)
Will not be reform'd of his ſaid Idle Kind of Life, and Evil and Diſorderly Converſation, or to that Effect.
Or, that he is a Rogue, Vagabond, or an Idle Wandering Perſon, &c.

A Mittimus to the Houſe of Correction of an Idle Perſon that would run away, and will not work to maintain his Family; (and if he run away, and leave his Family, then he is called an Incorrigible Rogue.)

To the Conſtable, &c.

S. ſ. FOraſmuch as it hath been proved before us upon Oath, (according to the Form of the Statute in that Caſe made and provided,) That *A. B.* of the Pariſh of *D.* aforeſaid, (being able to work, and thereby relieve his Family,) hath threatned to run away, and leave his ſaid Family upon the Pariſh of *D.* aforeſaid: Theſe are therefore (in His Majeſties Name) to command you the ſaid Conſtable and Burſholders, and every of you, (unleſs he do put in ſufficient Sureties for the Diſcharge of the Pariſh,) that you, ſome or one of you, do take the ſaid *A. B.* and him ſafely con-

Jac. 1. c. 4. *Two Juſtices of that Diviſion.* *Two Witneſſes upon Oath.*

convey to the ſaid Houſe of Correction, and there deliver him to the ſaid Keeper of the ſame, (together with this Precept:) Commanding alſo you, the ſaid Keeper, to receive him into the ſaid Houſe, and there deal with him and detain him as a Sturdy and Wandering Rogue, and to be deliver'd at the next Aſſembly or Meeting, within this lower Diviſion of *R.* for the better Execution of an Act of Parliament made in the Seventh Year of the Reign of our late Sovereign Lord King *James* I. over *England*, &c. (entituled, *An Act for the due Execution of divers Laws and Statutes heretofore made againſt Rogues, Vagabonds, and Sturdy Beggars, and other Lewd and Idle Perſons,*) or at the Quarter-Seſſions, and not otherwiſe. Hereof fail not at your Peril. Given under our Hands and Seals at, *&c.*

A

A Liberate *from thence.*

To the Keeper of the Houſe of Correction for the County at R. *in the County aforeſaid.*

S. ſs. WHereas *A B.* was by Warrant from us ſent to the ſaid Houſe of Correction, and is at preſent in your Cuſtody there: Now if the ſaid *A. B.* is in your Cuſtody for the Cauſe aforeſaid, and no other, we do hereby authorize and command you forthwith (upon Receipt hereof) to ſet him the ſaid *A. B.* at large from your ſaid Cuſtody, for which this ſhall be your ſufficient Warrant. Given under our Hands and Seals at *R.* in the ſaid County, *&c.*

Note, *If any Mean Perſon but threaten to run away, and leave his Family to the Pariſh, any Two Juſtices of that Diviſion may ſend him to the Houſe of Correction, it being prov'd by the Oath of Two Witneſſes.* Dalt. 207, *&c.*

A Licence and Teſtimonial for ſuch as have ſuffered Ship-wrack.

To all Conſtables, &c.

S. ſſ. R. G. of *W.* in the ſaid County, Eſq; One of Her Majeſties Juſtices, *&c. Foraſmuch* as the Bearer hereof, *L. M.* Aged about Twenty-four Years, having lately been at Sea in a Ship called the, *&c.* and hath ſuffer'd Ship-wrack, and got to Land at *D.* in the ſaid County of *S.* upon the 3d Day of, *&c.* laſt paſt, as I am credibly inform'd, as well by the Report of the ſaid *L. M.* as alſo by the Teſtimony of divers the Inhabitants of *S.* aforeſaid. And for that the ſaid *L. M.* hath not wherewithal to relieve himſelf in his Travel homewards to *K.* in the County of *H.* where he ſaith he was Born, (or hath a Dwelling, *&c.*) *Theſe are therefore* to pray you, and every of you, to whom theſe Preſents ſhall come, not to moleſt or

or trouble the ſaid *L. M.* in his Travel to *K.* aforeſaid, where he is limited to be within, *&c.* Days next after the Date hereof, but deſiring you rather to relieve him in his Neceſſity as to you ſhall ſeem meet; and withal, you the Conſtables of every Town where he ſhall come, to help him with Lodging in convenient Time, ſo that he travelleth the direct Way to *K.* aforeſaid, not doing any Thing contrary to the Laws and Statutes of this Realm. *In Witneſs*, &c.

Note, *Two Juſtices may give Licence to Pedlars, Tinkers, and Petty Chapmen, to travel, ſo that they ſhall not be taken as Rogues*, 14 Eliz. *c.* 5. 39 Eliz. *c.* 4. *And by* 5 & 6 Ed. *c.* 21. *if they travel without Licence to be impriſoned Fourteen Days at leaſt.*

A Licence or Paſſport for a Poor Man to his Friends for Relief.

To all Conſtables, &c.

39 Eliz. c. 4. Lamb. 331. 44 Eliz. c. 5.

S. ſt. R. G. and *J. D.* Eſquires Two of Her Majeſties Juſtices of the Peace for the ſame County, Greeting. *Foraſmuch* as *A. B.* of *C. &c.* the Bearer hereof, being reduced to great Poverty and Neceſſity, hath deſired a Teſtimonial or Licence for his ſafe Travel unto the City of *Y.* in the County of *Y.* where he ſaith he was Born, and hath ſome Friends yet living, by whoſe Means and Friendſhip he hopeth to be fully reliev'd and holpen; in Conſideration whereof, *Know ye*, that we the ſaid *R. G.* and *J. D.* (as far as in us lyeth) have licenced the ſaid *A. B.* to travel and paſs the direct Way from *C.* unto the ſaid City of *Y.* ſo that his Journey be not for longer or farther Continuance than Twenty Days next after the Date hereof, praying you, and every of you, not to moleſt or trouble the ſaid Poor Man

Man in his Travel, but to permit and ſuffer him to paſs ſo that he ſhew himſelf in no Reſpect offenſive to Her Majeſties Laws. *In Witneſs* whereof, *&c.*

Note, *Theſe Paſſports are often made to travel upon other Occaſions, and the Party ought to be particularly deſcrib'd therein.*

A Licence to Beg.

To all Conſtables, &c.

S. ff. R. *G.* and *J. D.* Eſquires, Two of Her Majeſties Juſtices of the Peace within the County aforeſaid, Greeting. *Whereas* the Bearer hereof, *A. B.* of *C.* in the County aforeſaid, being a very Poor Man and Blind, by reaſon whereof he is not able to labour, nor get to live of himſelf without the Charitable Relief of others, and being now reſident in the ſaid Town of *C.* is therefore to be reliev'd; and being likewiſe inform'd that the Town is at this preſent charged with more Poor and Impotent People than 22 H. 8. *c.* 12

it is able to relieve: *Know ye* therefore, that we the ſaid Juſtices have licenced and allowed the ſaid Poor Man and his Leader to go abroad, and beg, gather and receive, the Charitable Alms of Well-diſpoſed People inhabiting and dwelling within the Hundred of, *&c.* in the ſaid County, requiring you not to moleſt or trouble the ſaid Poor Man or his Leader for ſo doing, but deſiring you rather to relieve him and his Leader in their Neceſſity, as to you ſhall ſeem meet: This our Licence to remain and be in force for One Whole Year next enſuing the Date hereof, and no longer. *In Witneſs* whereof we have hereunto ſet our Hands and Seals, *&c.*

Or it may be thus.

S. ſſ. MEmorandum, that *A. B.* of *C.* for Reaſonable Conſiderations is licenced to beg within the Hundreds of *E. F.* and *G.* in the ſaid County. *Given* under the Seal of that Limit this Second Day of *July*, *Anno Dom.* 1709.

Plague.

A Paſs or Certificate in the Time of the Plague.

To the Conſtable, &c. *and other His Majeſties Officers within the ſaid County, to whom theſe Preſents ſhall come reſpectively.*

S. ff. WHereas *A. B.* of C. having Occaſion to go unto *E.* and ſeveral other Places in the ſaid County, to diſpatch Buſineſs in which he is employ'd, hath this Day deſired a Paſs from us, that he may go and return without Moleſtation or Interruption: *Theſe are therefore* to certifie all whom theſe Preſents may concern, That the Pariſh of *C.* aforeſaid is free from the Infection of the Plague; and alſo to will and require you, and every of you, to permit and ſuffer the ſaid *A. B.* peaceably and quietly to go into and return from *E.* aforeſaid, and ſuch other Places as the ſaid *A. B.* ſhall go unto by reaſon of his 1 Jac. 1. c. 31.

Buſineſs aforeſaid; the ſaid *A. B.* in his Paſſage to and from the Places aforeſaid demeaning himſelf civilly, without diſturbing or interrupting the King's Majeſties Peace. *Given* under our Hands and Seals, *&c.*

The Oath of the Searchers for the Plague.

YOU ſhall ſwear, That you carefully ſearch, enquire, and examine all ſuch Perſons as ſhall die within the Pariſh of *A.* and you ſhall truly publiſh and declare whether any ſuch Perſons do die of the Contagious Sickneſs of the Plague, either by any Sign that ſhall appear by the *Tokens*, *Riſing Sores*, or otherwiſe, without any conniving in any Manner whatſoever, to the utmoſt of your Judgment, Underſtanding and Knowledge, or of what other Diſeaſe they ſhall die. *So help you God*, &c.

The Bearer's Oath in the Time of the Plague.

YOU ſhall well and truly ſerve in the Place of a *Bearer*, at the viſited Houſe or Houſes where you ſhall be employed and appointed; you ſhall not purloin or carry away any Goods whatſoever forth of the ſaid Houſe or Houſes; and you ſhall have a ſpecial Care not to come into any Company, but continually to remain in ſuch a Place as ſhall be appointed for you, excepting ſuch Times as you are employ'd in your ſaid Office of a Bearer; and in every other Thing that belongeth to that Place you ſhall, accordingly as you ſhall be directed by the Officers, well and faithfully behave your ſelf. *So help you God*, &c.

The Examiner's Oath.

YOU ſhall well and truly execute the Office of Examiners for Health within the Pariſh of *A.* you ſhall truly enquire and learn from Time to Time what Houſes within the ſaid Pariſh be viſited, and what Perſons be ſick, of what Diſeaſes, as near as you can inform your ſelves; and upon doubt in that Caſe you ſhall command Reſtraint of Acceſs until it ſhall appear what the Diſeaſe ſhall prove; and if you ſhall find any Perſon ſick of the Infection, you ſhall give preſent Order to the Conſtable that the Houſe be forthwith ſhut up: And if you find the Conſtable remiſs or negligent therein, then to acquaint ſome Juſtice of the Peace within the Liberty or County therewith. You ſhall ſee the Viſited Perſons and their Attendants weekly paid, and in every other Thing belonging to your Office, according to the Statute and the Book of Orders ſet forth by His Majeſty and His Privy-Council, for 1 Jac. 1. c. 31. the better ordering of Viſited Houſes, you ſhall well and faithfully behave your ſelf. *So help you God*, &c.

Note,

Note, *A Juſtice may (by his Diſcretion) appoint Searchers, Watchmen, Examiners, Keepers and Buriers, for Perſons and Places infected with the Plague, give them their Oaths for Performance of their Offices, and other Directions as to his Diſcretion ſhall ſeem good.* 1 Jac. 1. c. 31. Dalt. c. 6. p. 22, & 145. c. 72.

A Warrant to ſhut up a Houſe which is infected, and to take Care for their Preſent Maintenance.

To the Conſtable, &c. *and to the Church-wardens and Overſeers of the Poor,* &c.

WHereas we are credibly inform'd, That the Plague is in the Houſe of *A. B.* whereof one died, and that divers of the Inhabitants of your ſaid Pariſh have reſorted to the ſaid Houſe both before and after the ſaid Party was dead, and eſpecially *C. D. E. F.* and *G. H.* in the Houſe of *J. K.* by reaſon whereof it is feared that they are ſick, and ſo by reaſon thereof

1 Jac. 1. c. 31. *Continued by* 3 Car. 1. c. 5. Dalt. 145. c. 72.

thereof the Sickneſs is like to encreaſe and ſpread farther in the Town, unleſs there be ſpeedy Proviſion made for the preventing thereof. *Theſe are therefore* (in His Majeſties Name) to charge and command you, that forthwith you cauſe the ſaid Houſe ſo infected to be ſhut up, and that you appoint a *Warder* at the Door to keep them from coming forth, and others from going to them: And that you the Churchwardens and Overſeers of the Poor be careful that the Parties ſhut up be ſufficiently provided for, for their preſent Relief and Suſtenance. *And farther*, that you cauſe the ſaid *J. K.* and his Family to keep themſelves within their own Doors; and that in the mean Time he forbear to victual, or let any come into his Houſe, till he hath farther Order: And of your farther Care and Diligence herein we do expect a Continual Account, that we may give farther Directions as occaſion ſhall require. And we farther order and adviſe the Pariſhioners, that they be very careful not to mingle themſelves with thoſe that have been of the ſame Infected Houſe. And of this

this our Warrant we require you to give ſpecial Notice. Hereof fail not at your Perils. *Given* under our Hands and Seals, *&c.*

Note, *If any Perſon go Abroad after Reſtraint, having any Infectious Sore upon him uncur'd, it's Felony; if he have no Sore upon him, he is to be puniſhed as a Vagabond, and bound to the good Behaviour for a Year.* 1 Jac. 1. c. 31. 39 Eliz. c. 4.

A Warrant to make a Rate for the Relief of the Perſons infected.

To the Church-wardens and Overſeers of the Poor of the Pariſhes of, &c.

S. ſſ. FOr*aſmuch* as Information hath been given unto us by Certificate, that the Pariſh of *A.* within this County is infected with the Plague, and do find themſelves unable to relieve the Poor Infected Perſons, and therefore have need of Relief from the adjacents Places Five Miles about, according to the Statute

1 Jac. 1. c. 31. *Two Juſtices.*

Statute in that Behalf provided. *Theſe are therefore* (in His Majeſties Name) to command you, and every of you, to come before us on the Firſt Day of *Jul*, next, at Ten of the Clock in the Forenoon, at *R.* in *W.* &c. and bring with you your Church Books of Rates for the Poor, to the End that an equal weekly Rate and Aſſeſſment may be made for the Purpoſes aforeſaid. Hereof fail not at your Perils. *Given* under, *&c.*

A Weekly Rate made the 10*th Day of* March, *&c. by* C. R. *and* S. N. *Eſquires, Two of His Majeſties Juſtices,* &c. *with the Aſſiſtance of the Church-wardens and Overſeers of the Poor of the Pariſhes within Five Miles compaſs of the Pariſh of* A. *at this Time infected with the Plague, to be paid by the Inhabitants of the ſame Pariſhes Weekly for their Relief, during the Time of the Infection, according to the Statute in that Behalf provided.*

THE Inhabitants of the Pariſh of *B.* to pay Weekly as followeth:

	s.	*d.*	
A. B.	0	10	
C. D.	0	6	
E. F.	0	4	and ſo of the reſt.

A Warrant to levy the Weekly Relief.

To the, &c.

1 Jac. 1. c. 31. *Two Juſtices.*

S. ſ. FOr*aſmuch* as there being a Rate or Aſſeſſment made for your Pariſh of *B.* (annexed to this Warrant) for the Relief of the Inhabitants of the Pariſh of *A.* in this County, at preſent infected with the Plague, according to the Statute in that Behalf made and provided. *Theſe are therefore* in His Majeſties Name to command you, that you, ſome or one of you, do forthwith levy and collect the ſeveral and reſpective Sums of Money of the Perſons therein reſpectively named, by Diſtreſs and Sale of the Goods of the Offenders, rendring to the Parties the Overplus, if any be. And the ſame Money ſo by you received to be paid to the Overſeers of the Poor of the ſaid Pariſh of *A.* and give in the ſame upon your Account at the end of your Year. Given under our Hands and Seals, &c.

Upon Non-payment to be committed, &c.

A

A Warrant for the Overſeers of the Poor to account and name other fit Perſons for the Year enſuing.

To the Conſtable and Burſholders of A. &c.

S. ſ. THeſe *are* (in Her Majeſties Name) to command you to give Notice to the Church wardens and other the Overſeers of the Poor of *A.* that they are by us required perſonally to appear before us at the Houſe of *S. W.* in *O.* &c. upon *Monday* the Tenth Day of *May*, at Ten of the Clock in the Forenoon of the ſame Day, to make and yield up unto us a true and perfect Account in writing of all Sums of Money by them received, or rated and aſſeſſed and not received, for and towards the Relief of the Poor of *A.* and alſo of ſuch Stock (to ſet the Poor on Work) as is in their Hands, or in the Hands of any of their ſaid Poor, to

43 Eliz. c. 2. *Two Juſtices, One of the* Quorum, *within One Month after* Eaſter. 13 & 14 Car. 2. c. 12. 4 & 5 Guil. & Mar.

to work, and of all other Things concerning the ſaid Office. And that hereof they fail not at their Perils. And you are farther hereby commanded to ſignifie unto them, that they do then and there alſo certifie unto us the Names of ſuch other ſuſtantial Houſholders of *A.* as are thought meet to be Overſeers of the Poor there for the Year enſuing. Hereof fail not at your Perils. *Given* under our Hands and Seals at the, *&c.*

Dalt. 147. 153.

43 Eliz. c. 2. Note, *If there be no Nomination of Overſeers of the Poor Yearly, every Juſtice dwelling within the Diviſion ſhall forfeit to the Poor* 5 l.

A

A Warrant to appoint new Overſeers, and to impower them to make Proviſion for the Poor during a Year.

To A. B. *and* C. D. *Overſeers of the Poor for the Pariſh of* E. *in the County of* S.

S. ſs. BY Vertue of a Statute made in the 43d Year of Queen *Elizabeth*, Entituled, *An Act for the Relief of the Poor*, &c. We do appoint you (whoſe Names are above-written) Overſeers of the Poor within the ſaid Pariſh for One Year. And theſe are in Her Majeſties Name to require you, That (according to the ſaid Statute) you take Order from Time to Time for this Year to come for the ſetting to work the Poor within your Pariſh, and to make a Rate of the Inhabitants of the ſame from Time to Time by a Monthly Aſſeſſment, for the raiſing of a convenient Stock of ſome Ware or Stuff in your Pariſh for the providing of neceſſary

43 Eliz. c. 2. *Two Juſtices.* Lamb. 295.

neceſſary Relief for ſuch as be Lame and Impotent among you, and for the placing out as Apprentices ſuch Children whoſe Parents are not able to maintain them. And for the better effecting hereof, you the ſaid Overſeers, together with the Church-wardens, are hereby required to aſſemble and meet together once every Month, and take Order in the Premiſſes: And if any of your Pariſh do refuſe to pay ſuch Sum and Sums of Money as are rated and aſſeſſed upon them from Time to Time, for the Uſes aforeſaid, according to the ſaid Statute, or any former Aſſeſſment now in Arrears and Uncollected, then you are hereby authorized to levy the ſame by Diſtreſs and Sale of the Refuſer's Goods, rendring the Overplus (if any be) to the Owners thereof, the ſaid Aſſeſſment having been firſt allowed under the Hands of Two Juſtices of the Peace for the ſaid County. Fail not herein at your Perils. *Given* under our Hands and Seals at *A. &c.*

A Warrant to provide a Stock to ſet the Poor at work, and to provide Relief for them.

To the Overſeers, &c.

S. ſt. WHereas by an Act of Parliament made in the 43d Year of the Reign of the late Queen *Elizabeth*, Entituled, *An Act for the Relief of the Poor: Theſe are* to will and require you whoſe Names are hereunder written, that you, together with the Church wardens of your Pariſh for the Time being, do, according to the ſame Statute, take Order from Time to Time (for this Year to come) for the ſetting to work all the Poor within your Pariſh (as well married as unmarried) that are able to work, and have no Means to maintain themſelves, nor uſe no ordinary and daily Trade of Life to get their Living by; and alſo for the placing out as Apprentices all ſuch Children within your ſaid Pariſh as are fit to be put forth, whoſe Parents are not able to keep 43 Eliz. c. 2.

keep and maintain them; and alſo for the raiſing a convenient Stock of *Flax*, *Hemp*, *Wooll*, *Thread*, *Iron*, and other neceſſary Wares and Stuff in your ſaid Pariſh for that Purpoſe; and alſo for the providing of neceſſary Relief for all ſuch Poor within your ſaid Pariſh as are Lame, Old, Blind, Impotent, and unable to work, wherein if you be found negligent, or ſhall fail to meet once a Month to confer together for the Purpoſe aforeſaid, then you are to forfeit Twenty Shillings apiece for every Month that you ſhall be found remiſs or careleſs therein. And therefore ſee that you fail not in the Premiſſes at your Perils. Dated, &c.

A ſhort Warrant to appoint new Overſeers of the Poor to take their Charge.

44 Eliz c. 2. *Two Juſtices.* Quorum unus.

S. ſſ. WE whoſe Names are hereunto ſubſcribed, Juſtices of the Peace for this County of *S.* do approve and appoint *T. D.* and *J. R.* of, *&c.* to be new Overſeers for the Poor of the ſaid Pariſh for the

the ſpace of one whole Year next enſuing the Date hereof, commanding them, together with the Churchwardens, to provide for the ſaid Poor (according to the Form of the Statute in ſuch Caſe made and provided). *Given* under our Hands and Seals, *&c.*

A B. C. D. &c.

Note. *When the Overſeers Books are paſſed 'tis uſual to ſignifie it writ in their Books at the Foot of the Accompt.*

And if Money be due to the Old Overſeers you write thus, viz.

Due to be paid from the New to the Old Overſeers 20: 08. 00: *&c.*
10 *Oct.* } Seen and allowed by us,
1079. } *A. B. C. D.*

And if Money be due to the New Overſeers you may ſay,

Remaining in the Old Overſeers Hands to be paid to the New Ones 10: 13: 04
10 *Oct.* } Seen and allowed by us,
1079. } *A. B. C. D.*

A Warrant to make Overſeers of the Poor, impowering them and the Church-wardens to collect the Poors Tax, and upon Non-payment to diſtrain.

43 Eliz. c. 2. S. ff. WHereas by Vertue of an Act of Parliament, Entituled, *An Act for the Relief of the Poor*, in the 43d Year of the Reign of the late Queen *Elizabeth*; We whoſe Names are ſubſcribed, Her Majeſties Juſtices of the Peace in the ſaid County of *S.* and one of us of the *Quorum* dwelling in or near the Pariſh of *N.* in the ſaid County of *S.* have nominated and appointed *A. B.* and *C. D.* (together with *R. B.* Church-warden for the Time being) according to the ſaid Act of Parliament, to be Overſeers for the Poor of the ſaid Pariſh; and receiving of the ſeveral Sums of Money taxed and aſſeſſed by them on the ſeveral Perſons on the 20th Day of *June* inſtant. *Theſe are therefore*, according to the ſaid Act of Parliament to authorize you the ſaid Church-

warden and Overſeers of the Poor, or any of you, to collect and receive all ſuch Sums of Money as aforeſaid, and the ſame reſpectively to levy of all ſuch Perſons as ſhall refuſe to pay the aforeſaid Aſſeſſment, by Way of Diſtreſs and Sale of their Goods for ſo much, rendring the Overplus, if any be, to the Party or Parties diſtrained; and for Default of Diſtreſs, We require all Conſtables and other Officers to bring before us, or ſome other Her Majeſties Juſtices of the Peace of this County, the Bodies of all ſuch Perſons where no Diſtreſs can be had, that farther Courſe may be taken with them, according to Law. Dated, *&c.*

J. T. R. G.

The Title for an Aſſeſſment for the Poor.

N. *in Com* S. AN Aſſeſſment made on the Inhabitants of the Pariſh aforeſaid, for and towards the Relief the Poor of the ſaid Pariſh for the preſent Year, (or Year enſuing), from the Feaſt of the Annunciation

ciation of the Bleſſed Virgin *Mary*. *Anno Dom.* 1709.

A. B. Church-warden.

C. D. } Overſeers.
E. F }

A Confirmation by the Inhabitants.

N. *in Com.* S. WE whoſe Names are hereunto ſubſcribed, being the Ancient Inhabitants of the Liberty aforeſaid, have ſeen this Book, and peruſed the ſame, and the ſame is by us rated upon the Inhabitants aforeſaid, according to the beſt of our Judgments. Witneſs our Hands the 22th Day of *June*, *Annoque Dom.* 1709.

A. B. *G. H.*
C. D. *J. K.*
E. F. *L. M. &c.*

A Confirmation of the Poors Rates at a General Quarter-Seſſions, upon Complaint of the Inhabitants.

WE whoſe Names are hereunder ſubſcribed, Two of Her Majeſties Juſtices of the Peace, for the County of *S.* and both of the *Quorum*, being appointed at a General Quarter-Seſſions of the Peace held at *N.* in the County aforeſaid, this 10th Day of *July* now inſtant, 1709, to hear and examine the Differences betwixt the Pariſhioners of the Pariſh of *N.* in the County aforeſaid, and the Overſeers of the Poor of the ſaid Pariſh, in reference to a Rate made, whereby ſome did urge that they were over-rated; and upon Examination of the ſaid Matters, We do find that the ſaid Rate complained of is the ſame as was formerly made for Two Years laſt paſt. And we do thereupon, according to the Statute made in that Behalf, confirm the ſaid Rate, in reſpect that the *Two Juſtices.*

Complainants are fully ſatisfied with the ſame, as the Church-wardens and Overſeers do affirm.

J. T.
R. G.

An Allowance and Confirmation of the Rates for the Poor, with a Warrant to levy the ſame.

S. ſſ. SEen, ratified, and allowed by us, whoſe Names are hereunder written, Two of Her Majeſties Juſtices of the Peace within the County aforeſaid. And we do hereby authorize the preſent Church-wardens and Overſeers for the Poor within the Pariſh of *N.* and every of them, to levy by Way of Diſtreſs and Sale of the Goods of all ſuch Perſons as ſhall refuſe or neglect to pay the ſeveral Taxations aforeſaid, (upon them impoſed), rendring to the Owners the Overplus which ſhall remain upon the ſaid Sale, according to the Statute in that Caſe made and provided. *Given* under our Hands and Seals, *&c.*

J. T.
R. G.

A Warrant to levy the Arrears (due to the Pariſh) from the former Overſeers Accompt by Diſtreſs.

To the Church-wardens, and other the Overſeers of the Poor of the Pariſh of A. *in the ſaid County, and to every of them.*

S. ſſ. FOraſmuch as (upon your Complaint) it appeareth unto us, That *A. B.* and *C. D.* Church-wardens of the Pariſh aforeſaid, and *E. F.* and *G. H.* Overſeers of the Poor of the ſaid Pariſh, in the Year of our Lord One Thouſand Seven Hundred and Eight, upon their Accompt by them made and yielded, of and for the Moneys by them received and diſburſed for and in Execution of their ſaid Office, (according to the Form of the Statute in that Caſe made and provided.) were in arrear and behind to the ſaid Pariſh Ten Pounds, and have not yet paid the ſame over unto you: *Theſe*

43 Eliz. c. 2. *Two Juſtices, One* Quorum. Dalt. 154.

are therefore (in Her Majesties Name) to command you, that you, some or one of you, do levy the said Ten Pounds by Distress or Sale of the Goods of the said *A. B. C. D. E. F.* and *G. H.* (rendring to them the Overplus.) And in Default of such Distress that then you do forthwith certifie the same unto us, to the End that we may farther do therein as to Justice doth appertain. Hereof fail not. *Given* under our Hands and Seals, *&c.*

Refusing to Accompt to be committed to Gaol.

A Warrant to levy 3 l. *on an Overseer of the Poor for not keeping of Monthly Meetings.*

To the Church-wardens and Overseers, &c.

43 Eliz. c. 2. *Two Justices, One* Quorum.

S. ff. FOr asmuch as it hath been duly proved before us, That *A. B.* (one of the Overseers of the Poor of the Parish aforesaid, for the Year of our Lord One Thousand Seven Hundred and Eight) did for the space of, *&c.* within the said Year, absent himself from such Monthly

Monthly Meetings as (by the Duty of his aforesaid Office) he was (by the Statute in that behalf made) injoined, (contrary to the Statute aforesaid,) whereby he hath forfeited Three Pounds for his Absence aforesaid: *These are therefore* (in Her Majesties Name) to command you, that you, some or one of you, do levy the aforesaid Three Pounds by Distress and Sale of the Goods and Chattels of the said *A. B.* and the same to employ and dispose of to the Use of the Poor of the said Parish, and such other Uses as by the said Statute is appointed. And in case of Default of such Distress you do certifie the same to us, to the End that there may be such farther Proceedings touching the Premisses as by Law is required. *Given* under our Hands and Seals at, &c.

Note, *They are to meet Monthly on* Sunday *Evening, on Forfeiture of* 20 s. *for each Default, without a just Excuse be allowed.*

A Warrant to Diſtrain for the Poors Tax.

To the Church-wardens, &c.

43 Eliz. c. 2. *Two Juſtices, One of the* Quorum.

S.ſſ. FOR*aſmuch* as Complaint hath been made by you unto us, That the ſeveral Perſons hereunder named have refuſed to pay unto you the ſeveral Sums of Money adjoined to their ſeveral Names, being aſſeſſed upon them ſeverally for and towards the neceſſary Relief of the Poor of the ſaid Pariſh, (according to the Form of the Statute in that Caſe made and provided); *Theſe are therefore* (in Her Majeſties Name) to command you, that you, ſome or one of you, do forthwith levy the ſaid ſeveral and reſpective Sums of Money by Diſtreſs and Sale of the ſeveral and reſpective Goods of the ſaid ſeveral and reſpective Offenders, rendring to the Parties the Overplus. And in Defect of ſuch Diſtreſs, that then you, ſome or one of you, do certifie the ſame unto us, to the End that there may be ſuch farther Proceeding

ceeding touching the Premiſſes as to Juſtice doth appertain. *Given* under our Hands and Seals at, *&c.*

A. B. 1 *s.* 6 *d.*
C. D. 1 *s.* 6 *d.*
E. F. 1 *s.* 4 *d.*

Note, *The Cauſes for Taxes are Three: Firſt, To ſet the Poor a Stock. Secondly, To relieve the Impotent by Money. Thirdly, To put out Apprentices.* Dalt. 150.

And all Things that are Real, and a Yearly Value, muſt be Taxed. Dalt. 165.

A Mittimus where there is not Sufficient to diſtrain.

To the Keeper of Her Majeſties Gaol, &c.

S. ſ. FOraſmuch as it appeareth unto us, That *A. B.* of, *&c.* was aſſeſſed and rated at the Sum of, *&c.* for and towards the neceſſary *Two Juſtices, One Quorum.*

ry Relief of the Poor of the ſaid Pariſh, (according to the Form of the Statute in that Caſe made and provided,) and that for his Refuſal of Payment of the ſame a Warrant was (according to the Form of the ſaid Statute) directed to the Church-wardens, and other the Overſeers of the Poor of the Pariſh aforeſaid, under the Hands and Seals of *R. D. J. N.* &c. Her Majeſties Juſtices of the Peace of the County aforeſaid; and for that it now appeareth unto us that the ſaid *A. B.* hath no Goods or Chattels by Diſtreſs and Sale whereof the ſaid Moneys can be levied, nor will he yet pay the Moneys aforeſaid. *We therefore* do ſend you herewithal the Body of the ſaid *A. B.* commanding you to receive him into the ſaid Gaol, there to remain (without Bail or Mainprize) until he ſhall pay the Moneys aforeſaid. Hereof fail not at your Perils, *Given* under our Hands and Seals at, *&c.*

A

A Warrant to the Overſeers of the Poor to pay Arrears, and continue Weekly Relief to Poor Perſons.

To the Church-wardens and Overſeers of the Poor for the Pariſh of A. *and to every of them.*

S. ſs. WHereas Complaint hath been made unto me by 43 Eliz. c. 2.
A. B. of your ſaid Town, That you *T. L.* and *R. S.* the now Overſeers for the Poor of your ſaid Pariſh, formerly paid the ſaid *A. B.* the Sum of 1 *s.* 6 *d. per* Week, for and towards the Maintenance of herſelf and Children, and that you do now ſuſpend the Payment thereof, whereby the ſaid *A. B.* is utterly diſabled to provide for herſelf and Children. *Theſe are therefore* (in Her Majeſties Name) to charge and command you the ſaid Overſeers, that preſently, upon Sight hereof, you, or ſome of you, pay unto the ſaid *A. B.* all ſuch Arrears as are accru'd ſince your forbearing the Payment of it, and that you continue

nue to her the former Allowance of 1 *s.* 6 *d.* for the future, or forthwith to ſhew Cauſe why you refuſe to make the ſame. *And hereof*, &c.

A Warrant to levy Relief for the Poor.

To the Church-wardens and Overſeers, &c.

S. ſſ. *Whereas* Complaint hath been made unto me, That *E. O.* of your ſaid Town, who is a very Poor Woman, is now very ſick and weak, and is utterly diſabled to provide for herſelf, or her Children, ſo that all of them are in Danger of Periſhing for want of Suſtenance. *Theſe are therefore* (in Her Majeſties Name) ſtraightly to charge and command you, and every of you, that immediately upon Sight hereof, you, or ſome of you, do by a General Levy throughout the whole Town, or otherwiſe, make ſuch an Allowance to the ſaid *E. O.* as may be convenient for and towards the Relief of herſelf and Children, or forthwith ſhew

ſhew Cauſe, if you can, why you refuſe to make the ſame. And hereof, *&c.*

A Condition for a Church-warden to give an Account of the Pariſh Stock, &c. *in his Cuſtody.*

THE *Condition* of this Obligation is ſuch, That whereas the above-mention'd *A. B.* is lately elected and choſen Church-warden of the Pariſh-Church of *C.* by reaſon whereof he hath receiv'd, and is to receive, divers Goods, Things and Church-Ornaments, belonging to the Pariſh-Church aforeſaid; and alſo hath receiv'd, and is to receive, ſeveral Sums of Money due and appertaining to the Pariſhioners and Pariſh-Church aforeſaid: If therefore the ſaid *A. B.* his Executors, Adminiſtrators, or Aſſigns, on or before the 9th Day of *June*, which ſhall be in the Year of our Lord 1709, or within One and Twenty Days next enſuing the Death of the ſaid *A. B.* or his Removal to dwell out of the ſaid Pariſh, in caſe he ſhall die, or ſo remove

remove before the ſaid 9th Day of *June*, &c. at which of the ſaid prelimited Times ſhall firſt and next happen, do, and ſhall, not only make, and deliver up unto ſuch Auditors as ſhall be then choſen and appointed for that Purpoſe, to and for the Uſe of the ſaid Pariſh and Pariſhioners, a full, true, plain, and perfect Accompt and Reckoning in Writing of all ſuch Stock, Moneys, Goods, Plate, Church-Ornaments, and other Things of and belonging to the ſaid Pariſh, which are now deliver'd, or which ſhall hereafter come to his or their Hands, or are or ſhall be by him or them receiv'd, but alſo ſhall make True Payment and Delivery to the ſaid Auditors, for the Uſe of the ſaid Pariſh, of all ſuch of the ſaid Stock, Moneys, Goods, Plate, or whatſoever elſe as upon the Foot of the ſaid Accompt ſhall appear to have come and been receiv'd, and to be reſting in the Hands and Diſpoſal of him the ſaid *A. B.* his Executors or Adminiſtrators, and not by him or them neceſſarily disburs'd or laid out for the Uſe and Occaſion of the ſaid Pariſh and Pariſhioners, then this above-written Obligation to be void, &c.

A

A Bond and Condition to the Church-wardens and Overſeers of the Poor to ſave a Town harmleſs upon one inhabiting there.

NOverint *univerſi per præſentes nos* R. F. *de* R. *in Com.* S. *Agricol & N.* R. *de* R. *prædict.* Yeoman, *teneri & firmiter obligari* L. O. *de* W. *in Com.* S. *præd. Agricol. &* T. O. *de* W. *prædict.* Yeoman, *in ſexagint. Libris bonæ & legalis Monetæ* Mag. Brit. *ſolvend. eiſdem* L. O. *&* T. O. *ſeu eorum alteri vel eorum certis Attornat. Executoribus, Adminiſtratoribus vel Aſſign. ſuis, ad quam quidem ſolutionem bene & fidelit. faciend. Obligamus nos & utrumque noſtr. Hæredes, Executores & Adminiſtratores, noſtros & utriuſque noſtr. firmiter per præſent. Sigil. noſtr. ſigillat. dat. quinto die* Maii, *Anno Regni Dominæ noſtr.* Annæ, *Dei Gratia* Magnæ Britanniæ, Franciæ & Hiberniæ, *Reginæ, Fidei Defenſor &c. Octavo. Annoque Domini* 1709.

THE

THE *Condition* of this Obligation is ſuch, That whereas one *S. T.* Labourer, is now lately come to inhabit and dwell within the ſaid Pariſh of *W.* and likely to be chargeable to the ſame: If therefore the ſaid *R. F.* and *N. R.* or either of them, their, or either of their, Heirs, Executors, Adminiſtrators, or Aſſigns, or every, or any, of them, do and ſhall from Time to Time, and at all Times hereafter, fully and clearly acquit, diſcharge, ſave harmleſs and indempnifie, as well the within-named *L. O.* and *T. O.* Church-wardens of the Pariſh-Church of *W.* aforeſaid, and the now Overſeers for the Poor of the ſaid Pariſh, and their Succeſſors, as alſo all the Inhabitants and Pariſhioners of the ſaid Pariſh, which now are, or at any Time hereafter ſhall be, there Reſident, and every of them, of and from all and all Manner of Coſts, Charges, Payments, Taxes, and Expences, whatever, which ſhall or may at any Time hereafter, in any Manner of Wiſe, ariſe, happen, come, grow, due, or be impos'd upon them, or any

any of them, for or by Reaſon or Means of the ſaid *S. T.* his Wife or Children, or any of them, their, or any their, *&c.* reſiding, living, or inhabiting, in the ſaid Pariſh of *W.* and of and from all Troubles, Charges, and Demands, whatſoever concerning the ſame, that then this Obligation to be void, and of none Effect, or elſe to remain in full Force and Vertue.

Sealed and deliver'd, &c.

A Warrant to warn one to depart out of a Pariſh, he not having given Notice within Forty Days of the Place of his Habitation, &c. or to give ſufficient Security to indempnifie the Pariſh; and upon Refuſal to be apprehended.

To the Conſtables, &c.

1 Jac. 2. c. 17. *Two Juſtices, One of the* Quorum. *Vide* 9 & 10 W. 3. c. 12. *See after.*

M. ſſ. WHereas Complaint hath been made unto us by the Church-wardens [or *Overſeers of the Poor*] of the Pariſh of St. *M.* in the County aforeſaid, That *A. B.* in *May* laſt being legally ſettled as a *Native*, [*Houſholder*, *Sojourner*, *Apprentice* or *Servant*, *as the Caſe is*,] in the Pariſh of *H.* in the ſaid County, is now come into the ſaid Pariſh of St. *M.* endeavouring to ſettle himſelf as an Inhabitant thereof, and doth not rent the Value of 10 *l. per Annum* there, nor hath within Forty Days laſt paſt given or deliver'd either to the Church-wardens or Overſeers of the Poor of the ſaid Pariſh

riſh any Notice in Writing of the Houſe of his Abode, and the Number of his Family, but is likely to become chargeable to the ſaid Pariſh, contrary to the Forms of the Statutes in that Caſe made and provided: *Theſe are therefore* (in Her Majeſties Name) to command you, that you, ſome or one of you, do warn the ſaid *A. B.* forthwith to depart out of and from the ſaid Pariſh of St. *M.* to the Place of his laſt Abode and Settlement, or otherwiſe to give ſufficient Security, to be allowed by us, not to be chargeable to the ſaid Pariſh. And if he ſhall refuſe or neglect ſo to do, that then you forthwith apprehend and bring the ſaid *A. B.* before us, or ſome others of Her Majeſties Juſtices of the Peace for this County, to ſhew good Cauſe to the contrary, or to be proceeded againſt according to Law. Hereof fail not at your Perils. *Given* under our Hands and Seals, *&c.*

A Warrant (upon not obeying the foregoing Warrant) to remove one to the Place of his laſt Settlement, and to require the Church-wardens, &c. there to provide for him.

To the Church-wardens and Overſeers of the Poor of the Pariſh of St. M. *in the County of* Mid. *and to the Church-wardens and Overſeers of the Poor of the Pariſh of* H. *in the County aforeſaid, and to all and every of them.*

13 & 14 Car. 2. c. 12. *Revived* 1 Jac. 2. c. 17. *Two Juſtices, One of the* Quorum. *Vide* 3 & 4 W. & M. c. 10, 11. & Stat. 8 & 9 W. c. 30. & 9 & 10 W. 3. c. 11. *See amongſt the Abridgments.*

M. ſS. WHereas Complaint hath been made unto us by the Church-wardens [or *Overſeers of the Poor*] of the ſaid Pariſh of St. *M.* That *A. B.* in *May* laſt being legally ſettled as a *Native*, [*Houſholder*, *Sojourner*, *Apprentice* or *Servant*, as *the Caſe is*,] in the Pariſh of *H.* in the County aforeſaid, is now come into the ſaid Pariſh of St. *M.* endeavouring to ſettle himſelf as an Inhabitant thereof, and doth not rent the Value of 10 *l. per Annum* there, nor hath within

within Forty Days last past given or deliver'd, either to the Church wardens or Overseers of the Poor of the said Parish, any Notice in Writing of the House of his Abode, and the Number of his Family, but is likely to become chargeable to the said Parish, contrary to the Form of the Statutes in that Case made and provided. *And* being requir'd, by a Warrant under the Hands and Seals of Two of Her Majesties Justices of the Peace for the said County, to depart out of and from the said Parish of St. *M.* or otherwise to give sufficient Security not to become chargeable to the said Parish, or shew good Cause to the Contrary, hath refused or neglected so to do. *These are therefore* (in Her Majesties Name) to charge and command you, that you, some or one of you, do forthwith remove and convey the said *A. B.* from the said Parish of St. *M.* unto the said Parish of *H.* the same being, as we are credibly inform'd, the Place of his last Legal Settlement, and to deliver him to the Church wardens and Overseers of the Poor there, or to some or one of them, (together with this Precept,

or

or a True Copy thereof), who are hereby requir'd to receive and provide for him as a Settled Inhabitant there, until they ſhall otherwiſe be diſcharged thereof according to Law. Hereof fail not at your Perils. *Given* under our Hands and Seals the, *&c.*

A Warrant to apprehend one for returning to the Pariſh from whence he was removed.

As before. M. ſſ. WHereas *A. B.* in *May* laſt being legally ſettled as a *Native*, [*Houſholder*, *Sojourner*, *Apprentice* or *Servant*, *as the Caſe is*,] in the Pariſh of *H.* in the County aforeſaid, came into the Pariſh of St. *M.* to ſettle in a Tenement under the Yearly Value of 10 *l.* not having within Forty Days laſt paſt given or deliver'd either to the Church-wardens or Overſeers of the Poor of the ſaid Pariſh of St. *M.* any Notice in Writing of the Houſe of his Abode, and the Number of his Family, and being likely to be chargeable to the Pariſh, was, upon Complaint thereof made by the Church-

Church-wardens and Overſeers of the Poor of the ſaid Pariſh, (according to the Form of the Statute in that Caſe made and provided,) by Warrant to the ſaid Church-wardens and Overſeers of the Poor directed, by them removed and convey'd to the ſaid Pariſh of *H.* there to remain (according to the ſaid Statute:) ſince which the ſaid *A. B.* did return of his own Accord to the ſaid Pariſh of St. *M.* (from whence he was ſo removed;) *Theſe are therefore*, in Her Majeſties Name, to command you, that you, ſome or one of you, do cauſe the ſaid *A. B.* to come before us, or at the Houſe of, *&c.* in the ſaid County, the 6th Day of *June* now next enſuing, at Nine of the Clock in the Forenoon of the ſame Day, to ſhew Cauſe why he return'd to the ſaid Pariſh of St. *M.* and further to do and receive as to Juſtice doth appertain: Hereof fail not at your Perils. *Given* under our Hands and Seals the, *&c.*

A Mittimus againſt one that returneth into a Pariſh after he was removed.

To the Conſtable, &c. *and to the Keeper of the Houſe of Correction*, &c.

13 & 14 Car. 2. c. 12. S. ſſ. WHereas upon Complaint (according to the Form of the Statute in that Behalf lately made), That *A. B.* an Inhabitant, [*Native*, *Houſholder*, *Sojourner*, *Apprentice*, *or Servant*,] laſt legally ſettled in *R.* came into the Pariſh of *N.* in the County aforeſaid, to ſettle in a Tenement there under the Yearly Value of 10 *l.* not having given Notice within Forty Days of, *&c.* and thereupon the Church-wardens and Overſeers of the Poor of the ſaid Pariſh did (according to the Statute aforeſaid) convey the ſaid *A. B.* to *R.* aforeſaid, there to remain an Inhabitant as formerly he was; after which ſaid conveying, the ſaid *A. B.* did return of his own Accord to the aforeſaid Pariſh of *N.* from whence

whence he was remov'd: *These are therefore* (in Her Majesties Name) to require you the said Constable and Burtholders, and every of you, that you, some or one of you, do take the said *A. B.* and him convey to the aforesaid House of Correction, and there deliver him to the aforesaid Keeper of the same, (together with this Precept); requiring also you the said Keeper to receive him into the said House, and there punish him as a Vagabond. Hereof fail not at your Perils. *Given* under my Hand and Seal the, *&c.*

A Warrant to send a Wife and Children to her Husband in the Parish from whence they came.

To the Church-wardens and Overseers of the Poor of the Parish of N. *&c.*

S. ff. FOr asmuch as Complaint hath been by you made unto us, That *K.* the Wife of *R. B.* (an Inhabitant in the Parish of *G.* in the County aforesaid,) is lately come into you 13 & 14 Car. 2. c. 12. *Two Justices.*

ſaid Pariſh of *N.* and hath brought with her thither Two Male-children (of the ſaid *R.* and *K.*) of the Age of, *&c.* (or thereabouts;) and that both the ſaid *K.* and Children are likely to be chargeable to your ſaid Pariſh, and you have thereupon craved from us ſuch Relief (touching the Premiſſes) as by Law is appointed: *Theſe are therefore* (in Her Majeſties Name) to authorize and require you, that you, ſome or one of you, do convey the ſaid *K.* and Children to the ſaid Pariſh of *G.* and there to deliver them to the ſaid *R.* (in caſe you can there find him.) to be with him ſettled according to Law: And in caſe that you cannot there find him, then to deliver the ſaid *K.* and Children to the Overſeers of the Poor of the ſaid Pariſh of *G.* to be diſpoſed of according to Law. *Given* under our Hands and Seals, *&c.*

A Mittimus to the Houſe of Correction, of one that refuſeth to be removed after his Work is finiſhed.

To the Conſtables and Burſholders, &c. and to the Keeper of the Houſe of Correction, &c.

S. ff WHereas upon Complaint, (according to the Form of the Statute in that Behalf lately made), That *A. B.* an Inhabitant in *R.* came into the Pariſh of *O.* in the ſaid County, to work, and was not return'd upon his finiſhing thereof, and thereupon the Church-wardens and Overſeers of the Poor of the ſaid Pariſh were (according to the Statute aforeſaid) requir'd and authoriz'd to convey the ſaid *A. B.* to *R.* aforeſaid, there to remain an Inhabitant as formerly he was; nevertheleſs the ſaid *A. B.* (though lawfully requir'd) refuſed to go thither: *Theſe are therefore* (in Her Majeſties Name) to require you the ſaid Conſtables and Burſholders, 13 & 14 Car. 2. c. 12. *One Juſtice.*

and every of you, that you, ſome or one of you, do take the ſaid *A. B.* and him convey to the aforeſaid Houſe of Correction, and there to deliver him to the aforeſaid Keeper of the ſame, (together with this Precept): Requiring alſo you the ſaid Keeper to receive him into the ſaid Houſe, and there puniſh him as a Vagabond. *Hereof* fail you not at your Peril. *Given*, &c.

A Warrant and Mittimus for one who runs away, and leaves his Family upon the Pariſh.

To the Conſtable, &c. *and to the Keeper of Her Majeſties Gaol for the ſaid County at*, &c.

7 Jac. 1. c. 4. S. 11. FOr*aſmuch* as it hath been duly prov'd before us, That *A. B.* of the Pariſh of *N.* being able to labour, and thereby to relieve himſelf and his Family, did nevertheleſs run away out of the ſaid Pariſh, and leave his Family upon the Pariſh: *Theſe are therefore* (in Her Majeſties Name) to command you the ſaid Conſtable and

and Burſholders, and every of you, that you, ſome or one of you, do take the ſaid *A. B.* and him ſafely convey to the Gaol aforeſaid, and there deliver him to the ſaid Keeper of the ſame, (together with this Precept): Commanding alſo you the ſaid Keeper to receive him into the Gaol aforeſaid, and him there ſafely keep until he ſhall be from thence deliver'd by due order of Law. *Hereof* fail not at your Perils. *Given* under our Hands and Seals at, *&c.*

By Two Juſtices of that Diviſion; and it is alſo fit there be Two Witneſſes upon Oath.

Note, *Such a Perſon is adjudged an Incorrigible Rogue.*

A Mittimus on the like Warrant.

To the Keeper of the House of Correction, &c.

WE ſend you herewithal the *Body* of *A. B.* of, *&c.* for that he did run away, and left his Wife and Two ſmall Children in the ſaid Pariſh, which are become a Publick Charge to the ſaid Pariſh of, *&c.* ſtraightly charging and commanding you the ſaid Keeper to receive the ſaid *A. B.* into the ſaid Houſe of Correction, and to be dealt with as an Incorrigible Rogue, and him there ſafely keep until he ſhall be thence deliver'd by Order of Law. *Hereof*, &c.

Poor

Poor Priſoners.

A Warrant to allow a Poor Priſoner Relief.

To A. B. *Gent. Treaſurer for Relief of the Priſoners in Her Majeſties Gaol for the ſaid County, at* T. *in the County aforeſaid.*

S. ſſ. WHereas R. L. (now Priſoner in the ſaid Gaol) is in very great Neceſſity for Want of Preſent Relief for his Subſiſtence there: *Theſe are therefore* (ſo far forth as in us lyeth) to appoint and authorize you the ſaid Treaſurer to allow unto the ſaid *R. L.* competent Relief (during his Neceſſity) in the ſaid Gaol. *Given* under our Hands and Seals the, &c. Day of, &c. *Anno Domini* 1709. 43 Eliz. c. 2.

Poor Soldiers.

A Certificate for a Trained Soldier.

THESE are to certifie you, That *A. B.* the Bearer hereof, is a Trained Soldier of the Borough of *S.* for Their Majesties Service, appointed under my Command, and therefore not otherwise to be charged or molested, as you will answer the contrary at your Perils. *Given* under my Hand at, *&c.*

A Certificate for an Indigent Officer.

13 & 14 Car. 2. c. 9. 15 Car. 2. c. 3. 22 & 23 Car. 2. c. 21.

THESE are to certifie whom it may concern, That Lieutenant-Colonel *R. W.* is certified by the Commissioners a Man fitly qualified to receive his Dividend of the 60000*l.* and the Office-money given to the Loyal Indigent Officers, and receiv'd a Warrant from the Right Honourable the Commissioners appointed by Act

Act of Parliament, to the Treasurer, to pay him the said Lieutenant-Colonel *R. M.* his Share and Proportion of the 60000 *l.* and Office-money, being *Thirty Pounds*, which is enter'd into the Book of Warrants, and not paid, by reason Money in the Treasury fell short by reason of great Losses by Insolvent Collectors, and others Money that came but lately into the Treasury, out of which he is to be paid. This, at the Request of the said Lieutenant-Colonel *R. W.* I do certifie this, *&c.* Day of, *&c.*

To Order an Allowance to a Poor Soldier out of the Stock for Maimed Soldiers.

To the Treasurer of the said County for Maimed Soldiers.

S.S. FOrasmuch as *A. B.* Officer, [*Soldier or Mariner, maimed, indigent, aged, or disabled in Body, for Work in the Service of their late Majesties, or Her Majesty that now is or under the late Wars*, &c. *as that he is* [*desti-*

43 Eliz. c. 4. 13 & 14 Car. 2. c. 9. *Two Justices.* Lamb. 295.

deſtitute of any Competent Subſiſtence or Livelihood,] hath according to the Form of the Statute (in that Behalf lately made) made appear unto us, that he hath continued faithful to his Truſt, and not deſerted the ſame, by taking Arms againſt their Majeſties (King *Willam* and Queen *Mary*, or Her Majeſty that now is, or otherwiſe), and hath repair'd to *W.* in the ſaid County, (being the Place where he was laſt ſettled before he took Arms): We do therefore (according to the ſaid Statute) aſſign 40*s.* for his Relief until the next Quarter-Seſſions to be holden for the County of *S.* which you are hereby requir'd to pay unto him. *Given* under our Hands and Seals, *&c.*

The

The like for Allowance to a Wife or Orphan of a maimed Soldier.

To the Treaſurer of the ſaid County for maimed Soldier.

S. ſſ. FOraſmuch as *A. B.* (Widow or Orphan) of *C. D.* [Officer, Soldier or Mariner, maimed, indigent, aged or diſabled, in Body for Work in the Service of their Majeſties] hath (according to the Form of the Statute in that Behalf lately made) made appear unto us, That *C. D.* late of *E.* continued faithful to his Truſt, and not deſerted the ſame by taking up Arms againſt their late Majeſties, King *William* and Queen *Mary*, or Her Majeſty that now is, or otherwiſe. *We do therefore* (according to the ſaid Statute) adjudge, that over and beſides ſuch Relief as ſhe (*or they*) ſhall gain by her (*or their*) Work or Labour, and ſhall be allowed by the Charity and Benevolence of the Pariſh of *A.* where ſhe (*or they*)

13 & 14 Car. 2. c. 9. *Two Juſtices.*

they) is now ſettled, you do pay unto her the ſaid *A. B.* the Sum of, *&c. Given* under our Hands and Seals this, *&c.*

31 Car. 2. cap. 1. *No Officer Military or Civil, or other Perſon, ſhall Quarter or Billet any Soldier upon any Inhabitant of this Realm without his Conſent, and every ſuch Inhabitant may refuſe to Quarter any Soldier notwithſtanding any Order whatſoever.* Sed vide *Waſhington's Abridgment*, Tit. *Soldiers.*

Rogues *and* Vagrants, *&c.*

A Warrant for Committing a Dangerous Rogue.

To the Conſtable, &c. *and to the Keeper of the Houſe of Correction for the County aforeſaid.*

39 Eliz. c. 4. 1 Jac. 1. c. 7. 7 Jac. 1. c. 4. *Two Juſtices.*

S. ſſ. FOraſmuch as *A. B.* [*Rogue, Vagabond, wandring, idle or diſorderly, Perſon,*] was found and apprehended at *O.* in the Hundred and County aforeſaid, in a general and privy Search by our Command made, (according to the Form of the Statute in that Caſe made and provided)

vided) and brought before us this preſent Day at our Aſſembly at *T.* in the County aforeſaid: *We do therefore* (in Her Majeſties Name) command you the Conſtable and Burſholders, that you, ſome or one of you, do (at the Charge of the ſaid Hundred) convey the ſaid *A. B.* to the aforeſaid Houſe of Correction, and there deliver him to the ſaid Keeper of the ſame, (together with this Precept.) Commanding alſo you the ſaid Keeper to receive him into the ſaid Houſe, and there ſet him to work and labour, or otherwiſe to deal with him according to Law, until he ſhall be from thence lawfully delivered. Hereof fail not at your Perils. *Given* under our Hands and Seals at *O.* aforeſaid, the, *&c.*

Vide Stat. 11 *&* 12 W. 3. *cap.* 18. *&* 1 Ann. *Stat.* 2. *cap.* 13. *&* 5 Ann. *cap.* 32.

A *Mittimus* of a Dangerous Rogue. See after, *Tit.* Vagrants. 474.

A Teſtimonial for conveying a Rogue who hath been puniſhed.

39 Eliz. c. 4. *One Juſtice and Conſtables Hands and Seals.*

S.ſſ. A. B. a ſturdy vagrant Beggar, (of middle Perſonage, lank Haired, *&c.*) aged about Thirty Years, was this Ninth Day of *September* 1709 openly whipped at *T.* in the ſaid County (according to Law) for a wandring Rogue, and is aſſigned to paſs forthwith from Pariſh to Pariſh by the Officers thereof, the next ſtraight Way to *B.* in the County of *N.* where (as he confeſſeth) he was born, (or dwelled laſt by one whole Year, *&c.* if the Caſe be ſuch,) and he is limited to be at *B.* aforeſaid within Ten Days now next enſuing, at his Peril. *Given* at *T.* under the Hand and Seal of *J. R.* Eſquire, one of Her Majeſties Juſtices of the Peace of the ſaid County of *S.* and *D. N.* the Conſtable of *T.* aforeſaid.

Note, *By* Lamb. *Inſt. Pag.* 206. *One Juſtice is ſaid to be ſuffisient. See after*, Tit. Vagrants.

A Teſtimonial for one that hath ſuffered Shipwrack: *Vide ante*, Tit. Licence.

A

A Warrant for a General Search for Rogues.

To the High-Conſtables, &c.

S. ſſ. THeſe *are* in Her Majeſties Name to charge and command you, That you, together with the Petty-Conſtables of the ſeveral Towns, Pariſhes and Hamlets, within your Hundred, taking ſufficient Aſſiſtance out of the ſaid Towns, do make a General Privy Search within every of the ſaid ſeveral Towns, Pariſhes and Hamlets, upon the 5th Day of, *&c.* at Night next coming, for the finding out and apprehending of all Rogues, Vagabonds, and wandring and idle Perſons, in or about your ſaid ſeveral Towns, Pariſhes or Hamlets, and that ſuch as ſhall be found and apprehended, you do cauſe them to be brought before us the next Day unto *T.* by Nine of the Clock, there to be by us dealt withal according to the late Statute in that Behalf provided; at which Time and Place we farther 7 Jac. 1. c. 4. &c.

farther require you, together with the ſaid Petty Conſtables, to appear before us, and there to give an Account or Reckoning upon Oath in Writing, and under the Hands of the Miniſter of every ſeveral Pariſh, within your Hundred, what Rogues, Vagabonds, wandering and diſordered Perſons, have been there apprehended, as well in the ſame Search, as alſo ſince the laſt Aſſembly and Meeting that was made for that Purpoſe, being upon or about the 9th Day of, &c. laſt paſt. And hereof fail you not. *Given*, &c.

A Warrant for apprehending Beggars, and other idle Perſons.

To the Conſtable and Headboroughs, and other Her Majeſties Officers of any the Pariſhes in the ſaid County, and to all others whom this doth or may concern.

39 Eliz c. 4. M. ſſ. 1 Jac. 1. c. 7. 7 Jac. 1. c. 4. 13 & 14 Car. 2. c. 12. 11 & 12 W. 3. c. 11. *primo Ann. Stat.* 2. *cap.* 13. & 5 Ann. *c.* 32.

WHereas the Suburbs of *London*, and Places ad-

adjacent, are now infeſted with many Rogues, Vagabonds, and Sturdy Beggars, and other idle Perſons, that can give no good Account of their Life and Converſation, to the Danger of the Inhabitants, and contrary to the Laws and Statutes of this Realm. *Theſe are therefore* (in Her Majeſties Name) ſtraightly to charge and command you, and every of you, That at all convenient Times hereafter, taking with you a convenient Aid and Aſſiſtance, you make diligent Search in the ſeveral Places aforeſaid, and in all other ſuſpected Places within any the Pariſhes in the ſaid County, for all ſuch Rogues, Vagabonds, and ſturdy Beggars, and other ſuſpected and idle Perſons, and them to apprehend and bring before us, or one of us, to be examined and dealt with according to Law. Hereof fail not, *&c. Given* under our Hands, *&c.*

A Mittimus to the Houſe of Correction of a Dangerous Rogue.

To the Maſter or Governour of the Houſe of Correction at B *in the ſaid County, or to his Deputy there.*

39 Eliz. c. 4. 7 Jac. 1. c. 4. *Two Juſtices, &c.*

M. ſſ. FOraſmuch as *A. B.* a ſturdy vagrant Beggar, was this Day brought before us, and charged as well with begging, and idle wandring abroad, as alſo with other lewd and diſorderly Behaviour, ſo as he appeareth unto us to be dangerous to the Inferiour Sort of People, and ſuch a one as will not be reformed of his Roguiſh Life, contrary to the Laws in that Behalf provided. *Theſe are therefore* to will and require you to receive the ſaid *A. B.* and him ſafely keep in your ſaid Houſe, until the next Quarter Seſſions to be holden in the ſaid County; and during all that Time that he ſhall ſo continue with you, that you hold him to work and labour, and to puniſh him by putting Fetters or

or Gives upon him, and by moderate whipping him, as in good Diſcretion you ſhall find Cauſe, yielding him for his Maintenance only ſo much as he ſhall deſerve or earn by his Labour or Work, and that at the next Quarter Seſſions you have the ſaid *A. B.* there, together with this our Warrant: And hereof ſee that you fail not. *Given* under our Hands, *&c.*

A Warrant to levy 5 s. *on the Miniſter for not keeping a Regiſter-Book.*

To the Conſtable and Burſholders of R. *&c.*

39 Eliz. c. 4. *Two Juſtices.*

S. ſ. FOraſmuch as it being duly proved before us, That *A. B.* the Miniſter of your Pariſh of *R.* doth not keep a Regiſter-Book there, according to the Statute in that Caſe provided, to record the Correction and Paſs of Rogues, by which he hath forfeited Five Shillings to the Uſe of the Poor. *Theſe are therefore* (in Her Majeſties

ſties Name) to require you to levy the ſame Five Shillings of the Goods of the ſaid *A. B.* by Diſtreſs and Sale thereof, and to pay the ſame ſo by you levied to the Overſeers of the Poor of your Pariſh, to be employed to the Uſe of the Poor there. *Given* under our Hands, *&c.*

An Order of Seſſions for putting the Laws in Execution againſt Pedlars and Petty-Chapmen.

At the General Seſſions of the Peace held at H. *for the County of* M. *the 20th Day of*, &c.

M. ſſ. WHereas this Court is informed, That great Numbers of Pedlars and Petty-Chapmen do wander abroad up and down this County, contrary to Law: We do hereby recommend it to their reſpective Juſtices of the Peace of this County, to take effectual Care to put the Laws in Execution againſt the ſaid Pedlars and Petty-Chapmen. And all the Conſtables and Tythingmen in their reſpective Precincts are required

39 Eliz. c. 4.
7 Jac. 1. c. 4.

required, ſo often as they ſhall find any of the ſaid Offenders, immediately to whip them in ſuch manner as the Statutes of the 39th of *Eliz. cap.* 4. and the 7th of King *James*, *cap.* 4. direct; in Default whereof the Penalties of the ſaid Statutes are hereby approved to be levied upon them. *Vide* 8 & 9 W. 3. & 9 & 10 W. 3. Concerning the licencing of Hawkers and Pedlars, and of their becoming Vagrants by Non-payment, continued by 5 *Ann. ca.* 19. & 6 Ann. *ca.* 5.

A Teſtimonial or Paſs of a Vagrant to the Place of his Birth.

S. ff. A. *B.* a Vagrant, of middle Stature, aged about Thirty Years, was this preſent Day taken (begging, vagrant, wandring or miſordering, himſelf, as the Caſe is,) at *R.* in the County aforeſaid, and then and there by my Appointment puniſhed, (according to the Form of the Statute in that Caſe provided;) and he is to be conveyed from Pariſh to Pariſh by the Officers of every of the

39 Eliz. *c.* 4. 1 Jac. 1. *c.* 7. 13 & 14 Car. 2. *c.* 12.

the ſame the next ſtraight Way to the Pariſh of *Y.* where (as he confeſſeth) he was Born, there to put himſelf to labour, as he ought to do; and he is limited to paſs thither within 10 Days now next enſuing, at his Peril. *Given* under my Hand and Seal at, *&c.*

This muſt be ſigned by the Juſtice, Miniſter and Conſtable, &c. *or Two of them, where he was whipped.*

He is to be ſtript naked from the Middle upwards, and be openly whipped until his Body be bloody.

Conſtables have Power to commit Beggars to the Stocks who offend. 22 H. 8. c. 12. 14 Eliz. c. 5. Raſt. 29.

The like where the Place of his Birth is not known.

S. ſſ. *A. B.* a Vagrant, of Middle Stature, aged about Thirty Years, was this preſent Day taken begging at *B.* in the County aforeſaid, and then and there by my Appointment puniſhed, (according to the

the Form of the Statute in that Caſe provided); and for that the Pariſh where he was Born is not known, (though it be demanded of him,) and for that alſo he did laſt dwell before the ſame Puniſhment by the ſpace of One whole Year in the Pariſh of Y. &c. (as he confeſſeth:) He is therefore to be conveyed from Pariſh to Pariſh by the Officers of every of the ſame the next ſtraight Way to the ſaid Pariſh of Y. there to put himſelf to Labour (as he ought to do); and he is limited to paſs thither within Ten Days now next enſuing, at his Peril. *Given* under my Hand and Seal at, *&c.*

The like where neither the Place of his Birth, nor laſt Abode, is known.

S. ſſ *A.* B. a Vagrant of middle Stature, aged about Thirty Years, was this preſent Day taken begging at *B.* in the ſaid County, and then and there by my Appointment puniſhed, (according to the Form of the Statute in that Caſe provided); and for that neither the Pariſh where

he was born, nor the Pariſh where he did laſt dwell before the ſaid Puniſhment, by the ſpace of one whole Year, is known, (though both were by me demanded of him): He is therefore to be conveyed from Pariſh to Pariſh by the Officers of every of the ſame the next ſtreight Way to the Pariſh of *R.* in the County of, *&c.* (thruogh which he laſt paſſed without Puniſhment, as he ſaith) and he is to be from thence conveyed by the Officers of the ſaid Pariſh (according to the Form of the Statute in that Caſe made and provided), and is limited to paſs thither within Ten Days now next enſuing, at his Peril. *Given* under my Hand and Seal at, *&c.*

The like where the Vagrant is apprehended in a General Privy Search.

7 Jac. 1. c. 4. *Two Juſtices.*

S. ſt. *A. B.* a Vagabond of middle Stature, aged about Thirty Years, was found and apprehended at *B.* in the ſaid County, in a General Privy Search by our Command made (according to the Form of the Statute in that Caſe made and provided),

provided), and brought before us this preſent Day at our Aſſembly at *N.* and by our Appointment puniſhed according to Law: And he is to be conveyed from Pariſh to Pariſh, *&c.* (as before, *mutatis mutandis.*)

Note, *If ſuch a Rogue*, &c. *by his Default, exceed the Time limited by any ſuch Teſtimonial or Paſs, he ſhall from Time to Time receive the like Puniſhment. And the Miniſter of ſuch Pariſh ſhall regiſter ſuch Teſtimonial upon the Penalty of* 5 s.

A Warrant to levy 10 *s. on the Conſtable for not apprehending Rogues*, &c.

To the High Conſtable of, &c.

S. ſſ. FOR*aſmuch* as it hath been duly proved before us, That *A. B.* the Conſtable of *O.* hath been negligent in his Office in the apprehending and puniſhing of Rogues, (Vagabonds or ſturdy Beggars), and that on the 20th Day of *May* laſt paſt at *O.* aforeſaid, did willingly ſuffer an unknown wandring Rogue to paſs through this Town, though

39 Eliz. c. 4. 1 Jac. 1. c. 7. *Two Juſtices, One* Quorum. *Two Witneſſes.*

he had timely Notice given to him thereof, ſo that he might have eaſily apprehended him; however he did not apprehend, correct and paſs him, as by the Statute in that Caſe provided he ought to have done, whereby he hath forfeited to the Uſe of the Poor of the ſaid Pariſh of *O.* Ten Shillings. *Theſe are therefore* (in Her Majeſties Name) to will and require you to levy the ſame 10 *s.* by Diſtreſs and Sale of the Goods of the ſaid *A. B.* rendring to him the Overplus, if any ſuch ſhall remain. *Given* under, *&c.*

Note, By 11 and 12 *W.* 3. *cap.* 18. Forfeiture is 20 *s.* Three Fourths to the Poor, One to the Informer.

A Warrant to levy 20 s. *on the Conſtable for not puniſhing a Rogue*, &c.

To the High Conſtable.

1 *Jac.* 1. *c.* 7. *Two Juſtices, One* Quorum. *Two Witneſſes.*

S. ſſ. FOr*aſmuch* as it hath been duly proved before us, That *A. B.* the Conſtable of *O.* hath been negligent in his Office in the correcting

recting and conveying of Rogues (Vagrant or ſturdy Beggars), and that upon the 13th Day of *June* laſt paſt one *R. D.* a Vagabond, *&c.* was taken begging in *O.* aforeſaid, and brought and offered to him the ſaid *A. B.* to be puniſhed, who did not correct and paſs him, as by the Statute in that Caſe made he ought to have done, but willingly ſuffered him to eſcape unpuniſhed, whereby he hath forfeited Twenty Shillings to the Uſe of the Poor of the ſaid Pariſh of *O. Theſe are therefore* (in Her Majeſties Name) to will and require you to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the ſaid *A. B.* rendring to him the Overplus, if any ſuch be. *Given* under our Hands and Seals, *&c.*

A Warrant to levy 5 l. *for Diſturbance of the Execution of the Statute.*

S. ſſ. FOraſmuch as it hath been duly proved before us, That *A. B.* of *O.* Labourer, did diſturb and hinder

29 El. c. 4. *Two Juſtices, One* Quorum. *Two Witneſſes.*

hinder the puniſhing and conveying of *T. N.* a Rogue, (Vagabond or ſturdy Beggar), taken into Cuſtody by *T. D.* of *O.* Conſtable, ſo that he did eſcape without the Puniſhment as by the Statute in that Caſe is provided, by which he the ſaid *A. B.* hath forfeited Five Pounds to the Uſe of the Poor. *Theſe are therefore* (in Her Majeſties Name) to will and require you to levy the ſame Five Pounds by Sale of the Goods and Chattels of the ſaid *A. B.* rendring to him the Overplus, if any be. And that you require him the ſaid *A. B.* to bring Sureties for his good Behaviour. *Given* under, *&c.*

A Warrant to pay Two Shillings for apprehending a Vagrant.

To the Conſtable and Borſholders, of, &c.

13 & 14 Car. 2. 12. One Juſtice.

S. S. WHereas *A. B.* did lately apprehend and bring unto me *G. D.* a Rogue, (Vagrant, or ſturdy Beggar), which did paſs through your Pariſh of *L.* in the County aforeſaid unapprehended: *Theſe*

Theſe are therefore (in Her Majeſties Name) to will and require you forthwith to pay to the aforeſaid *A. B.* 2 *s.* (for each, if more than one) for his ſaid Apprehenſion of the aforeſaid *C. D.* (according to the Form of the Statute in that Caſe lately made.) Hereof fail not at your Peril. *Given* under my Hand and Seal at, *&c.*

But ſee the Abridgment for *Stat.* 11 *&* 12 W. 3. *cap.* 18. *&* 1 Ann. *Stat.* 2. *cap.* 15. *&* *Stat.* 5. Ann. *cap.* 32.

Upon Non-payment of the ſame.

To the Conſtable and Borſholders of, &c.

S. ſſ. WHereas *N. R.* did lately apprehend and bring unto *R. H.* one of Her Majeſties Juſtices of the Peace of the ſaid County, *G. D.* which did paſs through the Pariſh of *L.* in the County aforeſaid unapprehended, of which ſaid Place of Apprehenſion *A. B.* was then Borſholder (or Conſtable), and thereupon the aforeſaid Juſtice did

13 & 14 Car. 2. c. 12. *Two Juſtices.*

39 Eliz. c. 4. 1 Jac. 1. c. 7. & 13 & 14 Car. 2. c. 12.

(according to the Form of the Statute in that Behalf made) require the ſaid *A. B.* to pay to the aforeſaid *N. R.* Two Shillings for his ſaid Apprehenſion of the aforeſaid *G. D.* Nevertheleſs the ſaid *A. B.* hath neglected to pay the ſame: *Theſe are therefore* (in Her Majeſties Name) to require you, and every of you, that you, ſome or one of you, do levy by Diſtreſs and Sale of the Goods and Chattels of the ſaid *A. B.* Ten Shillings, by him forfeited and loſt for not cauſing the aforeſaid *C. D.* to be puniſhed and convey'd (according to the Form of the Statute in that Behalf made); and that out of the Moneys by you ſo levied you do pay to the ſaid *N. R.* the ſaid 2 *s.* and 1 *s.* 6 *d.* more, which we think fit to allow unto him for Loſs of his Time; and that you do employ and diſpoſe of the Reſidue of the ſaid 10 *s.* to the Relief of the Poor of the Pariſh aforeſaid. *Hereof* fail not at your Perils. *Given* under our Hands and Seals. *&c.*

See the latter Statutes before mention'd.

A

A Certificate of apprehending a Vagrant in the Confines of another County.

To A. B. *one of Her Majesties Justices of the Peace for the County of* L.

S. ff. THESE are to certifie you, That *O. B.* a Rogue, [*Vagrant, or Sturdy Beggar,*] having passed through the Parish of *Y.* in the said County of *L.* unapprehended, was upon the 9th Day of *June* apprehended at *R.* in the said County of *L.* in the Confines of the County aforesaid, by *J. M. Given* under my Hand, *&c.* *A. B.* 13 & 14 Car. 2. c. 12. *One Justice.*

A Warrant upon the Certificate to pay the Two Shillings thereupon.

To the Constable, &c.

S. ff. WHereas I have receiv'd a Certificate under the Hands of *A. B.* one of Her Majesties Justices of the Peace for the County of 13 & 14 Car. 2. c. 12. *One Justice.*

of *L.* That *O. B.* a Rogue, [*Vagrant*, or *Sturdy Beggar*,] having paſſed through the Pariſh of *Y.* in the ſaid County of *L.* unapprehended, was upon the 9th Day of *June* apprehended at *R.* in the ſaid County of *L.* in the Confines of the County aforeſaid, by *J. M.* which ſaid Pariſh of *R.* was then in your Hundred, (*Borough*, &c.) *Theſe are therefore* (in Her Majeſties Name) to will and require you forthwith to pay to the aforeſaid *J. M.* 2 *s.* (if more than one, for each) for his ſaid Apprehenſion of the ſaid *O. B.* (according to the Form of the Statute in that Caſe lately made.) *Hereof* fail not at your Perils. *Given* under my Hand, *&c.*

Diſtreſs upon Non-payment of the ſame.

To the Conſtable and Borſholders of, &c.

S. S. WHereas I lately receiv'd a Certificate under the Hand of *A. B.* one of Her Majeſties Juſtices of the Peace of the County of *L.* That *O. B.* having paſſed thro' the Pariſh of *Y.* in the ſaid County of *L.* unap-

unapprehended, was apprehended at *R.* in the ſaid County of *L.* in the Confines of the County aforeſaid, by *J. M.* of which ſaid Pariſh *A. B.* of *C.* was then Conſtable (or Borſholder). *And whereas* I did (according to the Form of the Statute in that Behalf lately made) by Warrant under my Hand and Seal require the ſaid *A. B.* to pay the aforeſaid *J. M.* 2 *s.* for his ſaid Apprehenſion of the aforeſaid *O. B.* (according to the Statute aforeſaid;) nevertheleſs the ſaid *A. B.* hath neglected to pay the ſame: *Theſe are therefore* (in Her Majeſties Name) to require you, and every of you, that you, ſome or one of you, do levy by Diſtreſs and Sale of the Goods and Chattels of the ſaid *A. B.* 10 *s.* by him forfeited and loſt, by not cauſing the aforeſaid *O. B.* to be puniſhed and convey'd, (according to the Form of the Statute in that Behalf made;) and that (out of the Moneys you have levy'd ſo) you do pay to the ſaid *J. M.* the aforeſaid 2 *s.* and, &c. more, which we think fit to allow him for his Expences and Loſs of Time; and that you do employ and diſpoſe of the Reſidue of the ſaid 10 *s.* to the Relief of the Poor

of

of the ſaid Pariſh of T. Hereof fail not at your Perils. *Given* under my Hand and Seal the, *&c.*

A Warrant for levying 3 s. 4 d. *upon a Conſtable for Neglect of his Duty in giving an Account of Rogues, Vagabonds,* &c.

To the Chief Conſtables of N. *and to the Under-Conſtables of* M. *and to their Deputies, Greeting.*

7 Jac. 1. c. 4. S. ſ. FOraſmuch as at our Aſſembly at T. the 7th Day of *June* laſt, for the adjuſting the Accounts of the Under-Conſtable, according to a Statute made in the Reign of King *James* I. *touching Rogues and Wanderers*, *A. B.* of *M.* aforeſaid was fined 3 *s.* 4 *d.* for being negligent in his Office, and refuſing to make ſuch Account as by the ſaid Statute is appointed: *Theſe are therefore* (in Her Majeſties Name) to will and require you, that ſome or one of you, do forthwith upon the Receipt hereof demand of the ſaid *A. B.* the ſaid Fine; and if he ſhall refuſe or neglect to pay the ſame unto you within

within Three Days, that then you do immediately levy the ſaid 3 *s.* 4 *d.* by Diſtreſs and Sale of his Goods and Chattels, rendering unto him the Overplus thereof, if any ſuch ſhall remain. *And laſtly*, That one of you the Chief Conſtables do pay the ſame unto the now Treaſurer of the Marſhalſea, at or before the next Quarter-Seſſions of the Peace to be holden at *R.* for theſe Parts, and this ſhall be your ſufficient Warrant in that Behalf. *Given* under, *&c.*

To theſe may be added Warrants and Commitments, where Diſorderly and Roguing Perſons are taken up by the Watch.

A Warrant for Watch and Ward, and to apprehend Idle Perſons.

To the High-Conſtable of the Hundred of N. *and the Conſtable*, &c. *within the ſaid Hundred.*

13 Ed. 1. c. 4. 5 Ed. 3. c. 14. *Two Juſtices. Watch and Ward to be kept in every Town, from* Aſcenſion-day *to* Michaelmas.

S. ſſ. FOr*aſmuch* as Information hath been given unto us, That very many Suſpicious Idle Perſons do wander about the Country without Controulment or Queſtion; for the better

better Prevention thereof for the future, and of Robberies, and other Miſdemeanors often occaſion'd thereby: *Theſe are therefore* (in Her Majeſties Name) to charge and command you, and every of you, to look to your Offices herein, and to ſee that you keep and cauſe Watches to be duly kept in all the Pariſhes and Places within your ſaid Hundred of *N.* by able and well-armed Men every Night, and Ward by Day from Sun to Sun, and command them that they do apprehend all ſuch Rogues, Vagabonds, Sturdy Beggars, and other Wandering and Idle, Suſpicious, Perſons, as you ſhall apprehend by Day or Night, and conceive to be more than ordinarily dangerous, and bring them before us, or ſome other of Her Majeſties Juſtices of the ſaid County, to be examined and dealt with according to Law. And all Perſons whatſoever are hereby commanded to be aiding, aſſiſting, and obedient, to you herein. Hereof fail not. *Given* under our Hands, *&c.*

A Mittimus to the Houſe of Correction of one apprehended by the Watch.

To the Keeper of the Houſe of Correction of, &c.

M. ſſ. FOraſmuch as *A. B.* was this preſent Day brought before me by *C. D.* Conſtable of the Pariſh of St. *G.* in the Fields, being by his Watch this laſt Night apprehended, and charged with wandering and roguing abroad, as alſo with other Lewd and Diſorderly Behaviour and Courſe of Life, ſuch as whereof he will not be reformed, contrary to the Laws in ſuch Behalf provided. *Theſe are therefore* (in Her Majeſties Name) to will and require you to receive and take into your Cuſtody the ſaid *A. B.* and him ſafely to keep until he ſhall be thence deliver'd by due Order of Law; and in the mean Time to hold him the ſaid *A. B.* to ſuch Labour and Work, and give unto him ſuch Puniſhment as by the Laws are requir'd, giving 5 Ed. c. 14.

giving and yielding him ſuch and ſo much Maintenance as he the ſaid *A. B.* ſhall by his Labour and Work earn and deſerve; and that you have the ſaid *A. B.* at the next Quarter-Seſſions to be holden at *H.* together with this Warrant. *Given* under, *&c.*

There are ſeveral other Warrants and Commitments of Lewd and Diſorderly People, *&c.* taken up by the Watch in the Night Time, *&c.* which are not within the Intention of this Treatiſe.

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